THE

COLUMBIA

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

August 2004

CITY OF COLUMBIA, TENNESSEE

MAYOR

Dean Dickey

VICE MAYOR

Wayne Kennedy

COUNCILMEMBERS

Mike Greene
Mark King
Christa S. Martin
Debbie Matthews
Carl L. McCullen

RECORDER

Betty R. Modrall

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the Administrative Specialist who did all the typing on this project is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

ARTICLE VIII

Ordinances

Section 8.01: Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

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

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

(3) Levy taxes;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by a public utility;

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

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

(8) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 8.02: Form of ordinances. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it Ordained by the City of Columbia."

Section 8.03: Procedure for passage of ordinances; When Ordinances may become effective. Before its adoption, every ordinance shall be voted on by the City Council on three different days in open session. Not less than one week shall elapse between the first and third votes. Any ordinance not adopted in accordance with these provisions shall be null and void.

No Ordinance shall take effect until at least fifteen (15) days after the first passage therof, except where required by the public welfare and upon the unanimous vote of all members of the Council present and voting, provided, however, that no Ordinance making a grant, renewal or extension of franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever become effective until at least fifteen (15) days after the first passage thereof.

Section 8.04: Votes by ayes and nays. In all cases under the preceding Section the vote shall be determined by ayes and nays, and the names of the members voting for or against an Ordinance shall be entered upon the journal.

Section 8.05: Ordinances to be recorded. Every Ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an Ordinance Book, filed and preserved in his office.

Section 8.06: Penal Ordinances must be published to put them in force. All Ordinances of a penal nature enacted as required herein shall be published at least once in an official newspaper of the City, and no such Ordinance shall be in force until it is published.

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

1. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.
2. CITY DEPARTMENTS.
3. CODE OF ETHICS.

CHAPTER 1

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

SECTION

1-101. Time and place of council meetings.
1-102. Ordinances to be numbered and kept.
1-103. Construction of ordinances.
1-104. Preservation of public records and the establishment of procedures for the inspection and access of public records.
1-105. Corporate seal.
1-106. Execution of deeds, leases, etc.
1-107. Publication of ordinances, notices, etc.
1-108. Emergency police protection.
1-109. Director of public works.
1-110. Superintendent of streets.
1-111. Wards.
1-112. Voting precincts.
1-113. Voting and elections.

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[1]Charter references
City attorney: art. IX.
City council: art. II.
City manager: art. IV.
City recorder: art. X.
Elections: art. III.
Fire department: art. XVIII.
Mayor: art. II.
Officers and employees generally: art. V.
Ordinances: art. VIII.

Municipal code references
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

1-114. Absentee voting by nonresident property owners.
1-115. Bonds for city officers.
1-116. Operation of concessions in city park areas.

1-101. <u>Time and place of council meetings</u>.[1] (1) The regular meetings of the City Council of the City of Columbia, Tennessee, shall be held at 6:30 P.M., prevailing time, on the second (2nd) Thursday of each month in the Council Chambers of the City Hall or such other place as the council shall designate. Any change in the meeting location or date shall be in accordance with the Tennessee Open Meetings Act and appropriate notice shall be provided.

(2) In the event a regular meeting is scheduled on a legal holiday recognized by the City of Columbia, the meeting shall be rescheduled and held on the immediate following Thursday at 6:30 P.M.

(3) In the event a regular meeting is scheduled on a date when the League of Cities or the Tennessee Municipal League is meeting and due to the attendance of the mayor and council members at such meeting a quorum would not be present for a regular meeting, such meeting shall be rescheduled and held on the immediate following Thursday at 6:30 P.M. (Ord. #3468, June 2002, as replaced by Ord. #3578, Nov. 2004, Ord. #3780, Nov. 2008, and Ord. #3951, June 2013)

1-102. <u>Ordinances to be numbered and kept</u>.[2] All ordinances of the City of Columbia shall be numbered in consecutive order in accordance with the date of their passage and shall immediately thereafter be recorded in a well-bound book in which no other instruments shall be recorded.

Copies of all proposed ordinances shall be furnished to members of city council prior to its meeting where such ordinance is to be considered for passage on first reading. Prior to consideration of such ordinance on first reading, it shall be approved and signed by the city manager as ready for consideration on first reading. (1968 Code, § 1-102)

1-103. <u>Construction of ordinances</u>. The following rules of construction shall be observed for all ordinances unless a different construction is otherwise manifest from the context of a particular ordinance:

(1) The repeal of an ordinance shall not revive any ordinance existing before or at the time the ordinance repealed took effect.

(2) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

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[1]Charter reference
Meetings: art. II, § 2.06.

[2]Charter reference
Ordinances: art. VIII.

(3) Words importing the singular shall include the plural and words importing the plural shall include the singular and words importing the masculine gender shall include females and corporations.

(4) The word "street" shall include all public ways, alleys, lanes, courts, squares, parkways and sidewalks and all those parts of public places which form travelled parts of highways.

(5) The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or a part of such building or land.

(6) The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land either alone or with others.

(7) The word "persons" shall include firms, companies, and corporations.

(8) The words "city council" shall mean the City Council of the City of Columbia, Tennessee, unless otherwise designated in the ordinance. (1968 Code, § 1-103)

1-104. Preservation of public records and the establishment of procedures for the inspection and access of public records. All records of the City of Columbia are declared to be public records, open to inspection of the citizens of Columbia pursuant to the Tennessee Open Records Act (Tennessee Code Annotated, § 10-7-501, et seq.). All such records shall be preserved in the city hall. The process to be followed concerning public inspection and public access of such public records is as follows:

(1) Consistent with the Open Records Act of the State of Tennessee, personnel of the City of Columbia shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Columbia shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the city recorder or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the city recorder.

(3) To prevent excessive disruption of the work, essential functions, and duties of employees of the City of Columbia, persons requesting inspection and/or copying of public records shall complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in (2) above. All requests for public records shall be directed to the city recorder's office.

(4) When records are requested for inspection or copying, the records custodian has seven (7) days to determine whether the city can retrieve the records requested, whether the requested records contain any confidential

information, and the estimated charge for copying based upon the number of copies and amount of time required.

Within seven (7) days of a request for records, the records custodian shall:

(a) Produce the records requested;

(b) Deny the records in writing, giving explanation for denial; or,

(c) In the case of voluminous requests, provide, in writing, the requestor with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

(a) $0.15 per copy for black and white copies.

(b) $0.50 per copy for colored copies.

(c) Accident reports--$0.15 per copy.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(e) A charge for a duplex copy is the equivalent of the charge for two (2) separate copies.

(f) Charges for physical copies of records will be waived when the total cost will be equal to or less than $1.50.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval and duplication is free to the requester. Labor in excess of one (1) hour may be charged by the city, in addition to the cost per copy, as provided in (5). The city may require payment in advance of producing voluminous records. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour. For a requests requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula:

> *In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employees hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.*

(7) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel

records of the police department shall be maintained in the department under the supervision of a trained records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release of the information, he shall provide a written explanation of his reasons for not releasing the information.

(8) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (1968 Code, § 1-104, as replaced by Ord. #3969, Feb. 2014)

1-105. Corporate seal. The seal of the city shall be of the following description: A circle inclosing a concentric ring within which is an eagle and shield; between the inner and outer ring in the upper section of the same shall be the words "CORPORATION SEAL" and in the lower section the word "COLUMBIA, TENNESSEE," the whole to be arranged according to the impression annexed to this code. (1968 Code, § 1-106)

1-106. Execution of deeds, leases, etc. All deeds and leases of land sold or leased by the city and all deeds, leases, agreements, indentures, assurances, and contracts made and entered into by the city and authorized by the charter and ordinances shall be signed and executed by the mayor and countersigned by the recorder with the seal of the city affixed thereto. Provided, this shall not restrict the power of the city manager to make contracts for the purchase of supplies, materials, or equipment or for services where authorization has been granted by the board or conferred upon him by the charter and ordinances. (1968 Code, § 1-107)

1-107. Publication of ordinances, notices, etc. The official publication of any ordinance, resolution, notice, advertisement for bids, or other official communication may be made on any day of the week and as directed by the officer authorized to make such publication. (1968 Code, § 1-108)

1-108. Emergency police protection.[1] The city manager is empowered to call to his aid the entire police force and as many other persons as may be necessary to preserve the peace, or to prevent or quell any unlawful assembly or riot. All such persons so called by him while on such duty shall be subject to

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[1]Municipal code reference
Police department: title 6.

his orders, and a refusal to obey such orders by anyone so called shall be a misdemeanor. (1968 Code, § 1-109)

1-109. Director of public works. There is hereby created, under the Department of Public Works and Welfare established in the charter, a director of public works who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The director of public works shall be the head of the Department of Public Works and Welfare and his duties shall be, subject to the supervision and control of the city manager, all those incidental and necessary under the Department of Public Works and Welfare. (1968 Code, § 1-110)

1-110. Superintendent of streets. Subject to the supervision and control of the city manager, the superintendent of streets shall have such duties as directed to him by the director of public works in connection with the construction, improvement, repair and maintenance of the streets, sewers, and related departmental functions and such duties shall be subject to administrative control and review. (1968 Code, § 1-111)

1-111. Wards. (1) Whereas, the City of Columbia has annexed property which materially alters the population ratio between the wards, and in order to incorporate the newly annexed territory within the boundaries of one of the five wards of the City of Columbia, it is necessary that the city council change the boundaries of the five wards to include the newly annexed property.

(2) Now, therefore, pursuant to § 1.06 of the Charter of the City of Columbia, Tennessee, the City Council of the City of Columbia does hereby adopt new boundaries for the five wards of the City of Columbia which include the newly annexed areas. Said boundaries are set forth on the map which is attached as Exhibit No. 1 to this chapter and incorporated by reference herein.[1] (1968 Code, § 1-112)

1-112. Voting precincts. The following voting precincts shall be located in each ward as follows:

FIRST WARD:	The McDowell School City Hall
SECOND WARD:	Court House Highland School

[1]This map is of record in the recorder's office.

THIRD WARD: Andrews School

FOURTH WARD: Fire Station No. 2
Baker Elementary School

FIFTH WARD: Recreation Center
(1968 Code, § 1-113)

1-113. Voting and elections.[1] All voters in city elections must register for and vote in the wards wherein they reside and must otherwise qualify as provided by the city charter and the laws governing general elections for members of the state legislature.

The city council shall appropriate from the general treasury such funds as are necessary to meet the expense of holding all city elections, including those for bond issues. (1968 Code, § 1-114)

1-114. Absentee voting by nonresident property owners. Pursuant to Tennessee Code Annotated, § 2-6-205, any individuals who, pursuant to Tennessee Code Annotated, § 2-2-107(a) are registered to vote in municipal elections as nonresident property owners are hereby directed to cast their municipal ballots as absentee by mail ballots. After passage and the filing of this ordinance with the county election commission office, a nonresident property owner may not vote in a municipal election except by absentee ballot. No later than forty-five (45) days before the election, the election commission shall mail a notice to each voter registered as a nonresident property owner of the municipality advising the voter of the voting process and include an application for ballot for the municipal election. (as added by Ord. #3954, Sept. 2013)

1-115. Bonds for city officers. The bond for the city recorder as city treasurer shall be not less than $100,000. The bond for the city manager shall be not less than $50,000. All other officials shall be bonded in the amount of not less than $25,000. The cost of making such bonds shall be paid by the City of Columbia. (1968 Code, § 1-115, as renumbered by Ord. #3954, Sept. 2013)

1-116. Operation of concessions in city park areas. In the event that concession stand facilities at any particular City of Columbia park are leased for operation to any private individual, corporation or concern for rentals of fixed amounts or percentage of income rentals, such agreement shall provide that rentals due from said private individual, corporation or concern shall be

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[1]Charter reference
Elections: art. III.

remitted by such individual, corporation or concern on a monthly basis directly to the city recorder of the City of Columbia. The lease period shall be for not more than one year. In the event that such concession operations are contracted to one or more of the leagues operating within the parks then such agreement shall be regulated by a "Non-Exclusive Use and Occupancy Permit" as reviewed by the City of Columbia Parks and Recreation Commission and approved by the city council. League or leagues operating said concession stands shall report the disposition made by such league or leagues of all proceeds from such concession stands to the parks and recreation department director, as requested by the director.

Whoever the charge of the concession stands and facilities would also have custody of the restroom maintenance at that facility. (1968 Code, § 1-117, modified, as renumbered by Ord. #3954, Sept. 2013)

CHAPTER 2

CITY DEPARTMENTS

SECTION

1-201. Departments of government.
1-202. Department of sanitation.
1-203. Department of inspections.
1-204. Department of engineering.
1-205. Department of streets and maintenance.
1-206. Wastewater department.
1-207. Department of communications.
1-208. Department of management information system.
1-209. Department of office of emergency management.
1-210. Department of code administration.

1-201. Departments of government.[1] The work of the city, in all of its affairs, is classified and arranged in order that the same may be more conveniently and efficiently conducted, into the following departments:

(1) Department of Finance. This department shall have jurisdiction of the furniture and fixtures of the city hall and the city hall building, all purchases of land, general expenses, printing and advertising, taxation and equalization, miscellaneous and contingencies, city hall expenses, Students' Club Library, rent, charity, auditing, refunds and discounts, and all special items of liability against the city.

(2) Department of Public Safety. This department shall have jurisdiction of the fire department, all fire trucks and equipment, salaries and wages and general expenses, rental of fire hydrants; the police department, purchase of police equipment, salaries and general expense of the department, jail expenses, automobile or motorcycle expenses, city court, and public health.

(a) There is hereby created and established for the City of Columbia, Tennessee, in the department of public safety, the position of director of public safety who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

(b) The director of public safety shall be the head of the department of public safety subject to the supervision and control of the city manager.

(c) The duties of the director of public safety shall be the general supervision of the fire and police departments of the City of Columbia; direct supervision of the education and training of all firemen and police officers; the coordination of activities between the fire and police departments of the City of Columbia and other fire and law

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[1]Charter reference
Departments: arts. XVI-XVII.

enforcement agencies of other governmental entities including but not limited to the County of Maury, the State of Tennessee, and the United States of America; the establishment and maintenance of modern and efficient record keeping procedures within the fire and police departments to the end that said records may properly reflect police and fire investigations in sufficient detail to preserve an accurate history of such occurrences; and to do all things necessary and proper within the police and fire departments to facilitate and insure the public safety of life and property in the City of Columbia, Tennessee.

(d) The director of public safety shall be appointed by the city manager and shall serve at the pleasure of and under the supervision of the city manager and shall not be a civil service employee.

(e) The director of public safety shall have the power coexistent with that of the chief of the police department and the chief of the fire department to at any time temporarily suspend without pay any employee or member of either the fire or police department for a period not to exceed ten (10) days without filing charges with the civil service board against such employee, but this power to temporarily suspend shall not be exercised more often than twice in any twelve months; provided, however, that the director of public safety may not suspend the chief of the police department or the chief of the fire department without the concurrence of the city manager. If the offense is other than a minor one where suspension would not be a sufficient disciplinary measure, then it shall be the duty of such director of public safety to file charges promptly before the civil service board to be disposed of in the regular manner of preferring charges against and trying civil service employees, and pending disposition of the charges by the board, the suspension of the employee may, in the discretion of the director of public safety or board, be continued.

(f) The director of public safety shall have and possess all such other general powers as are considered necessary and proper to properly perform his duties subject always to the supervision of the city manager and otherwise limited only by the laws of the State of Tennessee, the Charter of the City of Columbia, and ordinances of the City of Columbia. (1968 Code, § 1-105)

1-202. <u>Department of sanitation</u>.[1] There is hereby created a new department in the City of Columbia the same being the department of

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[1]Municipal code reference
Refuse and trash disposal: title 17.

sanitation, and a director of sanitation who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of sanitation shall be responsible for the refuse collection in the City of Columbia and all other work as assigned by the city manager and the City Council of the City of Columbia. (1968 Code, § 1-118)

1-203. Department of inspections. There is hereby created a new department in the City of Columbia the same being the department of inspections, and a director of inspections who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of inspections shall be responsible for inspecting construction work and other inspecting and enforcement of ordinances and resolutions of the City of Columbia, pertaining to inspection, and all other work as assigned by the city manager and the City Council of the City of Columbia. (1968 Code, § 1-119)

1-204. Department of engineering. There is hereby created a new department in the City of Columbia the same being the department of engineering, and a director of engineering who shall be appointed by and serve at the will of the city manager of the City of Columbia, Tennessee.

The department of engineering shall be responsible for compliance of all public works projects in the City of Columbia with federal, state and city regulations, standards and laws and compliance with proper and accepted engineering design practice, except for sanitary sewer projects, and shall be responsible for the inspections necessary to insure that compliance, and all other work as assigned by the City Manager and the City Council of the City of Columbia. (1968 Code, § 1-120)

1-205. Department of streets and maintenance.[1] There is hereby created a new department in the City of Columbia, the same being the department of streets and maintenance, and a director of the department of streets and maintenance who shall be appointed by and serve at the will of the City of Columbia, Tennessee. (1968 Code, § 1-122)

1-206. Wastewater department.[2] There is hereby created a department in the City of Columbia, the same being the wastewater

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[1]Municipal code reference
Streets and sidewalks, etc.: title 16.

[2]Municipal code reference
Water and sewers: title 18.

department, and a wastewater department director who shall be appointed and serve at the will of the City Manager of the City of Columbia, Tennessee.

The wastewater department shall be responsible for the wastewater treatment plant and all pump stations, the installation and maintenance of all sewer lines, all connections to sewer lines, the construction and maintenance of all future sewer lines and any expansions or improvement to the existing wastewater treatment plant or collection system. The wastewater department shall be responsible for compliance of all public sewers or potential public sewers with all provisions of federal, state and city laws, regulations, ordinances, engineering standards and proper accepted engineering practice, and shall be responsible for all plan review and inspections necessary to enforce such compliance, and such other duties as the city manager or the city council may from time to time prescribe. The wastewater department director shall approve and recommend acceptance of sanitary sewage public works projects to the city council before their acceptance by resolution. (1968 Code, § 1-123)

1-207. Department of communications. (1) There is hereby created in the organization of the City of Columbia, Tennessee, a department of communications to be responsible for the adequate and proper release of information to the public with reference to the functions of city government.

(2) There is hereby created in the department of communications the position of director of said department. (1968 Code, § 1-125)

1-208. Department of management information system. There is hereby created in the organization of the City of Columbia, Tennessee, a department of management information system, to be responsible for all technical support of the entire computer network, telecommunication system and software applications. (as added by Ord. #3764, Sept. 2008)

1-209. Department of office of emergency management. There is hereby created in the organization of the City of Columbia, Tennessee, a department of office of emergency management, to be responsible for administering and directing a program of comprehensive emergency management. (as added by Ord. #3764, Sept. 2008)

1-210. Department of code administration. There is hereby created in the organization of the City of Columbia, Tennessee, a department of code administration, to be responsible for enforcing all building and property maintenance codes throughout the City of Columbia. (as added by Ord. #3764, Sept. 2008)

CHAPTER 3

CODE OF ETHICS[1]

SECTION

1-301. Applicability.
1-302. Definition of "personal interest."
1-303. Disclosure of personal interest by official with vote.
1-304. Disclosure of personal interest in non-voting matters.
1-305. Acceptance of gratuities, etc.
1-306. Use of information.
1-307. Use of municipal time, facilities, etc.
1-308. Use of position or authority.
1-309. Outside employment.
1-310. Ethics complaints.

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

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

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

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

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

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

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

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

1-311. Violations.

1-301. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #3661, Oct. 2006)

1-302. Definition of "personal interest." (1) For purposes of §§ 1-303 and 1-304, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #3661, Oct. 2006)

1-303. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself[1] from voting on the measure. (as added by Ord. #3661, Oct. 2006)

1-304. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the

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

discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #3661, Oct. 2006)

1-305. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #3661, Oct. 2006)

1-306. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #3661, Oct. 2006)

1-307. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #3661, Oct. 2006)

1-308. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #3661, Oct. 2006)

1-309. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with

any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #3661, Oct. 2006)

1-310. <u>Ethics complaints</u>. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(3) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #3661, Oct. 2006)

1-311. <u>Violations</u>. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #3661, Oct. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION COMMISSION.
2. ARTS COUNCIL.

CHAPTER 1

PARKS AND RECREATION COMMISSION

SECTION

2-101. Created, membership, organization, powers and duties.
2-102. Bylaws.
2-103. Meetings.
2-104. Officers.
2-105. Duties of members.
2-106. Committees.
2-107. Fiscal management.
2-108. General duties and responsibilities of the director of parks and recreation.
2-109. General duties of commission members.

2-101. Created, membership, organization, powers and duties.

(1) Created. The Columbia Parks and Recreation Commission is hereby created.

(2) (a) Membership. The Commission shall consist of ten (10) members, two (2) from each City Council Ward, who shall be appointed from and reside in the respective wards of the city so long as he/she shall serve on the commission. Appointment shall be by the nomination of the council member from the respective ward, subject to approval by a majority vote of the city council. Terms of the members shall be three (3) years, except that the existing members of the Parks and Recreation Commission shall continue in office as provided below. Current members of the commission, shall by drawing, determine which three (3) shall serve to June 30, 2004, which three (3) shall serve to June 30, 2003, and which four (4) shall serve to June 30, 2002 provided, however, that the term of only one (1) from each ward shall expire in any year. Members shall be eligible for reappointment. All members shall serve without compensation.

(b) Disqualification. No person shall become or continue to be a commission member who is not in compliance with the foregoing

subsection (2) (a), or who has violated any provision of this chapter or the City of Columbia Park Rules and Regulations as determined by the commission, or who shall have been convicted of malfeasance or misfeasance, bribery or other corrupt practice or crime in relation to their duties as a commission member.

(3) Organization, powers and duties. The Columbia Parks and Recreation Commission shall serve as an advisory board to the director of parks and recreation, the city manager and the city council in any matters relating to the Parks and Recreation Department. The commission shall adopt rules for its conduct of business and shall keep a record of its actions, which shall be open to the public. (1968 Code, § 1-124, art. I, modified)

2-102. Bylaws. The parks and recreation commission shall adopt bylaws for the conduct of its work and scope of its authority as follows:

(1) The commission may, by majority vote, declare a vacancy of any position where a member has been absent for three (3) consecutive regular meetings.

(2) The director of parks and recreation shall be an ex officio member of the commission.

(3) The parks and recreation committee shall be authorized to recommend the establishment of fees and charges for certain sports activities, facilities, and programs subject to the approval of the city council. (1968 Code, § 1-124, arts. I and II, modified)

2-103. Meetings. (1) The commission shall meet at 6:30 P.M. on the second Monday of each month at the parks and recreation office unless otherwise ordered by the commission. All meetings of the commission shall be open to the public.

(2) Special meetings may be called by the chairperson or the director upon the request of at least three members of the commission.

(3) The regular meeting in July of each year shall be an organizational meeting for the purpose of electing and installing officers, and receiving the annual report of the parks and recreation department, which shall be presented by the director.

(4) At the regular meeting held in March of each year, the director of parks and recreation shall present a tentative budget for review and approval by the parks and recreation commission. The budget, as approved by the commission, along with any comments by the commission or the director, shall be submitted to the city manager and to the council as provided by the charter.

(5) Fifty percent (50%) plus one of the commission shall constitute a quorum.

(6) The order of business of the commission shall be as follows:

(a) Call to order.

(b) Roll call.

(c) Recognition of visitors.
(d) Reading and action upon the minutes of preceding meetings.
(e) Chairperson's report.
(f) Committee reports.
(g) Parks and recreation department director's report.
(h) Unfinished business.
(i) New business.
(j) Adjournment. (1968 Code, § 1-124, art. III, modified)

2-104. Officers. (1) The officers of the commission shall be a chairman and secretary who shall be elected at the organizational meeting in July to serve for two (2) years or until a successor shall be elected and qualified. Election of officers shall be by ballot, nominations having been made from the floor. A majority vote of those present shall be sufficient to elect officers.

(2) The chairperson, or person designated by the chairperson of the parks and recreation commission, shall preside at all meetings of the commission. The chairperson shall appoint all committees as approved by the commission, shall represent the commission at public affairs, and shall maintain the dignity and the efficiency of the commission at all meetings.

(3) The secretary, or a person designated by the commission shall prepare the minutes of the meetings of the commission. He/she shall read all official communications to the commission at each meeting, write correspondence as directed by the commission, maintain a file of important letters and maps and be responsible for the files for inspection by any commission member upon request. Minutes of previous meetings and the agenda of meetings shall be filed in the parks and recreation office and shall be provided to each commission member seven (7) days prior to the second Monday of each month. (1968 Code, § 1-124, art. IV, modified)

2-105. Duties of members. Each member of the commission shall take an active part in the commission's deliberation. Each member shall be responsible to review all park and recreation activities conducted by the commission and to provide suggestions to the commission in establishing new or revised programs. Any member of the commission may visit or inspect any recreation facility or equipment at any time and may report the results of such inspection to the Parks and Recreation Commission. (1968 Code, § 1-124, art. V)

2-106. Committees. (1) The chairperson shall appoint all committees as approved by the commission. Committees may be standing committees to continually review specific operations or functions of the recreation department, or may be special committees to investigate or recommend a particular subject. Special committees shall have a member of the commission as chairperson, but persons, not members of the commission, may be appointed to such special committees.

(2) The chairperson, secretary, an appointed commissioner, director of the parks and recreation department and such other commission members as shall be designated by the commission shall constitute an executive committee who may act for the commission in an emergency. Any action taken by the executive committee shall be reported to the commission at the next regular meeting. (1968 Code, § 1-124, art. VI, modified)

2-107. <u>Fiscal management</u>. (1) The director of the parks and recreation department shall prepare an operating budget for presentation to the commission in March of each year. The commission may designate a special committee to work with the director during budget preparation. The budget, as approved by the commission, shall be submitted to the city manager and the city council as provided by city charter, along with any comments or suggestions of the commission or parks and recreation director.

(2) The purchasing authority of the director of the parks and recreation department shall adhere to the City of Columbia Purchasing Manual.

(3) The parks and recreation department may accept gifts or donations as approved by the commission.

(4) All financial affairs shall be under the general direction of the city recorder and the finance department director. All monies received by the department shall be deposited with the recorder and accounted for as directed by the recorder. The director as instructed by the finance department director shall prepare payrolls. (1968 Code, § 1-124, art. VII, modified)

2-108. <u>General duties and responsibilities of the director of parks and recreation</u>. (1) It shall be the duty of the director of parks and recreation to make recommendations to the commission for all full time staff. The director shall furnish the commission with a list of all employees, their duties and responsibilities, and inform the commission of changes. The director shall justify to the commission any increase in the number of employees prior to seeking city manager or council approval. The director shall consult the personnel department director before proceeding to the city manager in all cases where disciplinary action that might result in termination or extended suspension is contemplated against an employee.

(2) Prepare operating budget for each fiscal year to be presented to the commission at the March meeting.

(3) Keep account of expenditures by activities and furnish the commission a cost report when requested.

(4) Arrange such temporary help to support department activities.

(5) Make recommendations to the commission as to the purchase or construction of new or additional recreation equipment, facilities, or park sites.

(6) Recommend to the commission new activities that should be sponsored.

(7) Strive always to improve the recreation program.

(8) Present an annual report at the meeting in July.

(9) Present an annual inventory of equipment.

(10) Attend all meetings of the parks and recreation commission as an ex officio member.

(11) Be prepared to give a verbal or written report on activities.

(12) Fix his signature of approval on all bills prior to presentation to the commission.

(13) Conduct himself at all times in a manner befitting the position of director of parks and recreation.

(14) Assume responsibility for the direction of all park activities.

(15) See that recreation equipment, facilities, and park sites are kept in the best of repair.

(16) See that all movable equipment is placed properly in storage.

(17) Assume responsibility for the safety of all equipment.

(18) Assume responsibility for the work, conduct and efficiency of all subordinate staff members.

(19) Make needed purchases of equipment to support department activities.

(20) See that the city receives full value for services requested or equipment purchased. (1968 Code, § 1-124, art. VIII, modified)

2-109. General duties of commission members. (1) Know why the department of parks and recreation exists and review the reasons.

(2) Keep in touch with the community, to be progressive, yet practical.

(3) Work with the staff as partners. Expect the director to recommend the plans of operation, financing, supervision and control.

(4) Participate actively in meetings of the commission.

(5) Make it a point to discuss the work of the department with citizens, community groups and the city council. Share reactions from the public.

(6) Be acquainted with the tax resources of the community.

(7) Be acquainted with the social resources of the community.

(8) Set aside time to visit with the director and with other members of the commission and observe some of the activities conducted by the department.

(9) Work with the director in the preparation of the department budget.

(10) Be familiar with the recommended standards for a public recreation program, leadership and facilities.

(11) Be involved in determining the operating policies of the department.

(12) The only motive that a citizen should have in accepting an appointment to the parks and recreation commission is a desire to be of service to the community.

(13) When deliberating parks and recreation issues, the commission shall strive to represent the overall interests of the entire community rather than personal interests or the interests of any particular individuals or groups.

(14) The commission shall act as a unified body. Differences of opinion amongst the members are expected, but when the commission has made a decision each member shall support and abide by that decision. (1968 Code, § 1-124, art. IX, modified)

CHAPTER 2

ARTS COUNCIL

SECTION

2-201. Created.
2-202. Purpose.
2-203. Composition.

2-201. Created. There is hereby created the Columbia Arts Council which is vested with the responsibility to promote the arts in the City of Columbia through awareness, appreciation, education and support thereby creating a connection between artists and audiences to enrich the quality of life for all and position the greater Columbia area as an arts rich community and regional arts destination. (as added by Ord. #3967, Jan. 2014)

2-202. Purpose. The Columbia Arts Council is formed to implement the mission statement through development of a unified arts calendar, improved communication among various arts groups and promotion of participation of professional artists, interested amateurs, educators, students and audiences. It is also responsible for the acquisition and maintenance of the city's public artwork collection, as well as to serve as advisors and advocates for the enhancement and integration of the arts in the city. The arts community includes artists and organizations that comprise the performing, cultural, visual and dramatic arts. (as added by Ord. #3967, Jan. 2014)

2-203. Composition. The Columbia Arts Council shall be comprised of no more than nine (9) voting members, appointed by the Columbia City Council. Members shall serve without compensation. Members should be selected based upon interest and involvement in the various arts and represent a cross-section of the arts community.

(a) Initially, the Columbia Arts Council shall be comprised as follows:

Four (4) members from the arts community; and
Five (5) at large members.

(b) All members shall be residents of Maury County, Tennessee.

(c) All members shall serve three (3) year terms, with the initial terms to be staggered for organizational continuity.

(d) The initial terms will be:

Three (3) members for three (3) years;
Three (3) members for two (2) years; and
Three (3) members for one (1) year.

(as added by Ord. #3967, Jan. 2014)

TITLE 3

MUNICIPAL COURT[1]

CHAPTER

1. CITY COURT.

CHAPTER 1

CITY COURT

SECTION

3-101. Court costs.
3-102. Court's hours, etc.
3-103. Disposition of arrested persons pending trial.
3-104. Police to wait on court.
3-105. Prosecuting attorney.

3-101. Court costs. Basic court costs for the city court of the City of Columbia, Tennessee, shall be as set forth in the following schedule:

Tax		2.50
Affidavit and warrant		5.00
Arrest		25.00
Issuing subpoena	($2.00 each)	
Serving subpoena	($2.50 each)	
Appearance bond		2.50
Mittimus	($2.00 each)	
Bill of cost		10.00
Continuance	($7.00 each)	
Judgment		7.00
Jail fees ___ days @	$_____	
Rearrest order	($2.50 each)	

[1]Charter reference
City court: art. VII.

Rearrest	($10.00)	
Police court cost		70.00
Contempt fine		
Criminal Injury compensation tax (state warrant charges only)		
State litigation taxes (except parking violations)		13.75
City litigation taxes		13.75
Other		_____
Total base cost without criminal injury tax		149.50

In the event of parking violations, a $1.00 State Litigation Tax will be charged. (1968 Code, § 1-301, as amended by Ord. #1900, Oct. 1992, Ord. #2046, Jan. 1995, Ord. #3094, Sept. 1996, Ord. #3163, July 1997, and Ord. #3326, Sept. 1999, and replaced by Ord. #3565, Sept. 2004, and Ord. #3804, April 2009)

3-102. Court's hours, etc. The city court shall ordinarily be opened at 8:00 o'clock a.m. on each day except Sunday in the court room provided in the city hall. It shall generally continue in session until the cases before it have been disposed of. However, the city judge may, in his discretion and as provided by law, continue the hearing of any case pending in his court. The city judge may schedule additional court hours as he deems necessary. (1968 Code, § 1-302)

3-103. Disposition of arrested persons pending trial. All persons arrested for the violation of any ordinance or by-law of the City of Columbia, or the commission of any municipal misdemeanor, may be confined in the city jail until they have a hearing in the city court. However, if such persons give proper bond and security for their appearance before the court they may be released. Bonds and securities may be accepted only by such persons and in such forms and amounts as the city judge shall designate or approve. (1968 Code, § 1-303)

3-104. Police to wait on court. The chief of police or a policeman designated by him shall be present and wait upon the city court during all of its sittings. (1968 Code, § 1-304)

3-105. <u>Prosecuting attorney</u>.[1] The city prosecuting attorney shall exercise all of the powers and functions of the prosecuting attorney in the city court. (1968 Code, § 1-305)

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[1]Charter reference
City attorney: art. IX.

TITLE 4

MUNICIPAL PERSONNEL[1]

CHAPTER

1. SOCIAL SECURITY.
2. WORKERS' COMPENSATION.
3. CIVIL SERVICE SYSTEM.
4. EMPLOYEE'S RETIREMENT PLAN.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Columbia, Tennessee, to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act and Amendments thereto, including Public Law 734--81st Congress. In pursuance of said policy, and for that purpose the city shall take such action as may be required by applicable state and federal laws or regulations. (1968 Code, § 1-601)

4-102. Necessary agreements to be executed. The mayor of the City of Columbia, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director

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[1]Ordinance #3391, available in the office of the recorder, repealed all ordinances, code sections, rules and regulations, and policies which provide residency requirements for employees. Certain officers and employees, and sworn officers of the police department are excepted.

Ordinance #3914, which establishes the salaries of officials and employees of the city, is of record in the office of the recorder.

of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section as of January 1, 1951. (1968 Code, § 1-602)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1968 Code, § 1-603)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1968 Code, § 1-604)

4-105. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1968 Code, § 1-605)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1968 Code, § 1-606)

CHAPTER 2

WORKERS' COMPENSATION

SECTION

4-201. To cover city employees.

4-201. To cover city employees. In accordance with Tennessee Code Annotated, § 55-9-403 the City of Columbia accepts the provisions of the Workers' Compensation Law of the State of Tennessee as set out in Tennessee Code Annotated, §§ 50-6-101--50-6-419.

This acceptance shall cover all employees of the City of Columbia as defined by the Workers' Compensation Statute of the State of Tennessee and hereafter all departments of the City of Columbia and their employees shall be subject to the Workers' Compensation Law.

The city manager is instructed and directed to file written notice with the Workers' Compensation Division of the State of Tennessee Department of Labor of this acceptance by the city. (1968 Code, § 1-701)

CHAPTER 3

CIVIL SERVICE SYSTEM[1]

SECTION

4-301. Authority and purpose.
4-302. Compensation of board members.
4-303. Order of business and meetings of the board.
4-304. Functions of the Civil Service Board.
4-305. Functions of the city manager.
4-306. Positions covered by civil service.

4-301. Authority and purpose. Pursuant to the authority granted to the City Council of the City of Columbia under the provisions of Priv. Acts 1941, ch. 210, as amended, and in order to establish a uniform procedure for dealing with personnel under the city's civil service system and to place the employment of said personnel on a merit basis, the following system is hereby adopted. (1968 Code, § 1-501)

4-302. Compensation of board members. The compensation of each member of the Civil Service Board shall be the sum of two hundred dollars ($200.00) per month, payable monthly by warrant drawn upon the General Treasury of the City of Columbia. (1968 Code, § 1-503, as amended by Ord. #3119, March 1997)

4-303. Order of business and meetings of the board. The Civil Service Board shall determine the order of business for the conduct of its meetings and shall meet regularly on the third Monday of each month or on call of the chairman or two members of the board. (1968 Code, § 1-505)

4-304. Functions of the Civil Service Board. The functions of the board shall be:

(1) To consider rules and regulations to supplement this chapter as submitted by the city manager and subsequent revisions and amendments thereof and to make recommendations to the city council concerning the adoption of the same.

(2) To act in an advisory capacity to the city manager of problems concerning personnel administration.

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[1]Charter reference
Civil service board: art. VI.

(3) To receive, examine, approve, or reject all applications for employment on forms prepared by the city manager for any person in the competitive service relative to his employment.

(4) To make any investigation or conduct any hearing regarding charges or complaints made by anyone against any civil service employee; to issue subpoenas and cause them to be served by the chief of police or any member of the police force; and to administer oaths to witnesses.

(5) To advise with and receive recommendations of the city manager on the adoption of any rules or the revision of old rules and upon the promotion or reduction of civil service employees. (1968 Code, § 1-506)

4-305. Functions of the city manager. The city manager, as the administrative head of the city government, shall have the responsibility for making effective the purposes of this chapter, and shall:

(1) Be the appointing officer as provided in the charter of the City of Columbia.

(2) Attend meetings of the civil service board as necessary.

(3) Administer all provisions of this chapter or the rules established hereunder not specifically reserved to the civil service board.

(4) Prepare rules and regulations, and revisions and amendments thereto, for consideration by the civil service board and after consideration and approval of the same by the civil service board, submit the same to the city council.

(5) Prepare a position classification plan and class specifications and revisions thereof for consideration and adoption by the civil service board, and after such adoption, the city manager shall allocate and reallocate positions among the civil service employees to classes. (1968 Code, § 1-507)

4-306. Positions covered by civil service. All positions defined in art. VI, § 19, of the charter, as amended, are hereby declared to be civil service positions. These positions hereafter shall constitute the competitive service and shall be regulated and governed by the provisions of this chapter. All of the present incumbents (as of March 1, 1941) of any of said positions shall hereafter assume their regular status in the competitive service provided that it shall not be necessary for any of said incumbents to stand the preliminary examinations (physical and mental) or the working tests but shall in every other respect be subject to the provisions of this chapter and the rules and regulations hereafter adopted. (1968 Code, § 1-508)

CHAPTER 4

EMPLOYEE'S RETIREMENT PLAN

SECTION

4-401. Employee's retirement plan to be governed by ordinance.

4-401. Employee's retirement plan to be governed by ordinance. The employee's retirement plan shall be furnished by Ordinance #3968, titled "City of Columbia Employee's Retirement Plan," and any amendments thereto.[1]

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[1]Ord. #3968, and any amendments thereto, are of record in the office of the city recorder.

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-501. Program created.
4-502. Implementation.

4-501. Program created. There is hereby created an Occupational Safety and Health Program for the employees for the City of Columbia, which program is attached hereto in its entirety as Exhibit "A".[1] (Ord. #3482, Nov. 2002)

4-502. Implementation. For purposes of this chapter and for the implementation of such program, the fire chief or any other person designated by the city manager shall be the director of such plan, with specific powers to plan, develop and administer the occupational health and safety program for the employees of the City of Columbia. (Ord. #3482, Nov. 2002)

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[1]Municipal code reference
Exhibit "A" is included as Appendix A in this code.

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

1. MISCELLANEOUS.
2. PROPERTY TAXES GENERALLY.
3. PRIVILEGE TAXES GENERALLY.
4. WHOLESALE BEER TAX.
5. BUSINESS TAX ACT.
6. MERCHANTS' AD VALOREM TAXES.
7. PRIVILEGE TAX FOR SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.
8. PURCHASING MANUAL.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depositories for city funds.
5-102. Authorizing the city to participate in the Tennessee Local Government Investment Pool.
5-103. Security for deposits.
5-104. Performance bonds for public works contracts.
5-105. Uncollectible municipal court fines.
5-106. Collection of sewer connection charges.
5-107. Purchase order authorization.

5-101. Official depositories for city funds. The Bank of America; the AmSouth Bank, Columbia Office; the First Farmers and Merchants Bank of Columbia; the First American Bank; the Community First Bank; the TriStar

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[1]Charter references

For other provisions relating to finance and taxation see the charter. See in particular the following:

Advertisement for public works: art. XIX.
Anticipation of current revenues: art. XIII.
Budget and appropriations: art. XV.
License taxes: art. XII.
Miscellaneous ordinance powers: art. VIII.
Sinking fund: art. XIV.
Taxation and revenue generally: art. XI.

Bank, Columbia, Tennessee and the Heritage Bank and Trust, Columbia, Tennessee are hereby designated as official depositories for funds of the City of Columbia.

Each such depository, before being given custody of any city funds, shall furnish adequate security as required by art. XI, § 12, in the city charter.

US Bank of Columbia, Tennessee and Regions Bank of Columbia, Tennessee are hereby designated as depositories for general city funds subject to a maximum deposit equal to the amount insured by the Federal Savings & Loan Insurance Corporation. (1968 Code, § 6-501, as amended by Ord. #1872, May 1992, Ord. #2048, Jan. 1995, Ord. #3052, April 1996, Ord. #3258, Nov. 1998, Ord. #3261, Nov. 1998, Ord. #3286, May 1999, Ord. #3299, June 1999, Ord. #3301, July 1999, Ord. #3302, July 1999, Ord. #3350, May 2000, Ord. #3419, Aug. 2001, Ord. #3474, Aug. 2002, Ord. #3603, June 2005, Ord. #3613, Sept. 2005, Ord. #3646, July 2006, and Ord. #3939, March 2013)

5-102. Authorizing the city to participate in the Tennessee Local Government Investment Pool. The city recorder or the person authorized to act for the city recorder is hereby authorized to make investments from the funds of the City of Columbia, Tennessee, subject to the control and jurisdiction of the City Recorder of the City of Columbia, Tennessee, or the city recorder's authorized representative, or the Tennessee Local Government Investment Pool. Said investments shall be made pursuant to Tennessee Code Annotated, § 9-17-101, et seq., and shall in all respects comply with the requirements of Tennessee Code Annotated, § 9-17-101, et seq. (1968 Code, § 6-501A)

5-103. Security for deposits. Each depository designated by ordinance shall pledge as security for deposits collateral, an amount five percent (5%) in excess of city deposits, in the form of bonds of the United States, State of Tennessee, Maury County or City of Columbia, or any bond of any governmental jurisdiction in the State of Tennessee which has a Moody's "A" rating or equivalent. The bond of any agency which is guaranteed by the United States for its face value or the bond of a bank or association of banks which is guaranteed for its face value by the United States, shall be considered a bond of the United States. As provided by Tennessee Code Annotated, § 13-20-612, any bonds issued by a housing authority, insured by the Federal Housing Administration, shall be considered as United States Government bonds. As provided in Tennessee Code Annotated, § 35-3-119, Tennessee Valley Authority bonds are to be considered the same as United States Government bonds. In the alternative, any depository designated by ordinance may satisfy the collateral requirement by being a member of the State of Tennessee Collateral Pool Program. (1968 Code, § 6-502, as replaced by Ord. #3649, July 2006)

5-104. Performance bonds for public works contracts. All performance bonds for public works under § 19.01 of the Columbia Municipal Charter shall be in an amount equal to 100% of the contract price of the

particular work or improvement and conditioned for the faithful performance of such contract. (1968 Code, § 6-503)

5-105. <u>Uncollectible municipal court fines</u>. The city recorder shall purge from her records any municipal court fines or costs which have not been collected from and after a period of two years from the date said fines and costs arise and the city recorder shall purge her books of all such records as of the start of each fiscal year. (1968 Code, § 6-504)

5-106. <u>Collection of sewer connection charges</u>. The City Council of the City of Columbia may, upon resolution duly approved, contract for the collection of sewer connection charges with the Columbia Power and Water System. (1968 Code, § 6-505)

5-107. <u>Purchase order authorization</u>.[1] 1. The department heads of the City of Columbia are authorized to approve purchase orders up to $2500.00 without the necessity of obtaining approval of the city manager or prior authorization of the city council.

2. The city manager is hereby authorized to approve purchase orders up to the amount of $8,000.00 before it is necessary to obtain authorization of the city council. (Ord. #2021, Aug. 1994)

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[1]Municipal code reference
Purchasing manual: chapter 8, this title.

CHAPTER 2

PROPERTY TAXES GENERALLY

SECTION

5-201. Appointment, power, and term of tax assessor.
5-202. Assessor to make and record assessments and deliver his books to recorder.
5-203. Assessor to take oath; deputy tax assessors; compensation.
5-204. When assessments to be completed; omitted property.
5-205. Equalization board's appointment, term, organization, and minutes.
5-206. Vacancies on board; sessions.
5-207. Duties and powers of the board of equalization; hearings; appeals.
5-208. Oath and compensation of board members.
5-209. City assessor, board, and recorder to have same powers as state officers.
5-210. Assessment methods set out in state code adopted.

5-201. Appointment, power, and term of tax assessor. The city council shall appoint a competent and well qualified person whose duty it shall be, and who shall have the power upon appointment and qualification, to assess for taxation for municipal purposes, all property, real, personal, and mixed, located within the City of Columbia, Tennessee, and taxable by law. He shall hereafter be known as the city tax assessor and shall hold office during the pleasure of the board. (1968 Code, § 6-101)

5-202. Assessor to make and record assessments and deliver his books to recorder. The assessor shall fairly and equitably assess for taxation all property located within the limits of the city. He shall record the assessments together with the property descriptions in a suitable and properly bound book similar to those heretofore used by the City of Columbia. The record as made out by the assessor shall show the names and addresses of the persons owning taxable property in the city, a description of the real property by adjoining owners, streets, etc., and of the personal property by character, investment, etc. When the assessor shall have completed the assessment of property directed and shall have completed the record thereof in the book herein provided for, the assessment book or books shall be delivered to the city recorder. (1968 Code, § 6-102)

5-203. Assessor to take oath; deputy tax assessors; compensation. Before the tax assessor shall begin the assessment and valuation of property, he shall take an oath before the recorder to fairly, equitably, and impartially value

and assess for taxation all property located in and taxable by the city. In the event it shall be necessary to have more than one person make assessments, the city council may appoint such other persons as are qualified who shall hereafter be known as deputy tax assessors. They shall perform the same services as are required of the tax assessor and shall hold office during the pleasure of the city council. The compensation of the assessor and deputy assessors shall be fixed by the city council and shall be appropriated out of the general funds of the City of Columbia. (1968 Code, § 6-103)

5-204. When assessments to be completed; omitted property. The city tax assessor shall commence work when appointed and shall complete the assessment of all taxes before the 1st day of June each year. He shall turn over to the city recorder all his books, records, papers, etc., when completed. They shall be filed and corrected by the recorder and the same shall be the assessment and valuation for taxes for the city for each assessment year. The recorder of the city shall be empowered at any time to assess by supplemental assessment and tax any property found to be omitted by the city tax assessor. (1968 Code, § 6-104)

5-205. Equalization board's appointment, term, organization, and minutes. It shall be the duty of the recorder, as soon as such assessment roll in each year is ready for the extension of taxes, to produce the same or a true copy thereof, before the city council and to certify the total amount of valuation or assessment of the taxable property within the limits of the city. Thereupon the city manager shall appoint three competent and reputable taxpayers and property owners residing in the City of Columbia who shall be known as the equalization board of the City of Columbia and whose tenure of office shall be during the pleasure of the city manager. The members of the equalization board, together with the city recorder, who is hereby declared to be an ex officio member of same, shall within five days after their appointment, meet, organize and elect from their number a chairman, giving notice of such election to the city manager. It shall also be the duty of the equalization board to keep accurate minutes of all its proceedings and upon the conclusion of its work, to turn over to the city recorder all its minutes and notices, or copies thereof, properly certified to by each member of the board. (1968 Code, § 6-105)

5-206. Vacancies on board; sessions. In case of the death, removal, or resignation of any member so appointed to the equalization board during his term of office, the city manager shall appoint a successor for the unexpired term. The city board of equalization shall sit in session for a period of not longer than ten days, provided, however, that the city manager may extend the time, if, in his judgment, the public welfare shall require it. (1968 Code, § 6-106)

5-207. <u>Duties and powers of the board of equalization; hearings; appeals</u>. It shall be the duty of the equalization board to review the assessments and valuations of the property within the city limits of Columbia as made by the tax assessor. The board shall have the right or power to raise or reduce any assessment so made by the city tax assessor only upon specific complaint made to it by a property owner or by the city manager or by the city recorder and if in the opinion of a majority of the board a correction is necessary. In the event an assessment is raised, notice and a hearing to the property owner must be given two days before final action is taken upon the raised assessment and no increase over the assessment made by the tax assessor, made without notice, shall be valid. The board of equalization shall sit in session in the city hall of the City of Columbia and shall announce by publication in a newspaper published in the City of Columbia the date or dates upon which it shall act upon the assessments as made by the city tax assessor. At such meetings of the board of equalization any property owner or taxpayer may appear either in person or by attorney and present his objection to the assessment for taxation of his property, and the board of equalization shall have the power to charge or modify the same if the facts shown to the board justify such action. No formality shall be required in the presentation of objections by property owners. The action of the board of equalization in any given case shall be final, provided that either the city manager or any objecting property owner may appeal from the decision of the board of equalization to the city council, giving notice to the recorder of such appeal within two days after the adjournment of the equalization board. (1968 Code, § 6-107)

5-208. <u>Oath and compensation of board members</u>. Before entering upon their duties as hereinabove set out, the members of the equalization board shall take and subscribe to an oath to fairly and impartially perform their duties and to equalize and correct all assessments made by the city tax assessor or any deputy tax assessor. Each member of the board of equalization shall receive as compensation for service while sitting as a board the sum of twelve dollars ($12.00) a day, or fraction of a day, in which they are in session except the chairman of the board who shall receive fifteen dollars ($15.00) a day, or fraction of a day, in which the board is in session, and the chairman is sitting in that capacity. Such compensation shall be paid out of the general funds of the City of Columbia. (1968 Code, § 6-108)

5-209. <u>City assessor, board, and recorder to have same powers as state officers</u>. All powers and duties given, imposed, and required of county tax assessors, county court clerks, county trustees, or county boards of equalization by of the Pub. Acts 1907, ch. 602, and amendments thereto, are hereby conferred, imposed on, and required of the city tax assessor, deputy city

tax assessors, city recorder and city equalization board; provided, however, that the city tax assessor be and is hereby empowered and required to make an annual assessment of all real, personal, and mixed property located within the City of Columbia, Tennessee, and taxable by law as of January 10 of the year for which the assessment is made. (1968 Code, § 6-109)

5-210. Assessment methods set out in state code adopted. The methods for assessment of property generally as contained in Tennessee Code Annotated, title 67, are adopted for the assessment of all taxable property within the corporate limits of the City of Columbia subject to assessment under the charter and ordinances of the City of Columbia, and the laws of the State of Tennessee applying to municipal corporations. (1968 Code, § 6-110)

CHAPTER 3

PRIVILEGE TAXES GENERALLY[1]

SECTION

5-301. Tax levied.
5-302. Compliance with General Revenue Law required.
5-303. Collections to be recorded and reported.
5-304. Enforcement of taxes.

5-301. Tax levied. The engaging in any vocation, occupation, or business designated in Acts of 1937, ch. 108, and all Amendments thereto, is hereby declared to be a privilege and the rate of tax on such privilege shall be such as is fixed by said Acts of 1937, ch. 108 and the amendments thereto, commonly known as the General Revenue Law, which said privilege tax shall be paid to the recorder of the City of Columbia in the manner provided for the collection of such revenue. The General Revenue Law is hereby adopted with all its restrictions, limitations and provisions as amended. (1968 Code, § 6-301)

5-302. Compliance with General Revenue Law required. It shall be unlawful for any person, firm, or corporation to exercise any of the privileges made taxable by the General Revenue Law before complying with the provisions of the same. Anyone exercising any of said privileges without first paying the tax or without complying with the provisions of the Revenue Law insofar as the same may be applicable to municipalities shall be guilty of a misdemeanor and upon conviction shall be subject to a fine under the general penalty clause for this code for each day such privilege is exercised without a license. The fine shall be in addition to any other penalties imposed by the Revenue Law. Any successor by purchase, or otherwise, of any business subject to tax shall be liable for and shall pay the tax imposed against such business before said successor can obtain a license to do any of the acts declared taxable. Any person acting as agent, trustee, guardian, administrator, executor, assignee or receiver, doing any of the acts declared to be a privilege, is also subject to the tax imposed on said privilege. (1968 Code, § 6-302)

5-303. Collections to be recorded and reported. The recorder or deputy charged with the collection of privilege taxes or privilege licenses, including fees, fines, forfeitures, costs, interest or penalties, shall keep a

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[1]Municipal code reference
Other taxes on alcoholic beverage dealers: title 8.

complete record of such collections on books and forms prescribed by the city manager and shall annually report such revenue to the city council. (1968 Code, § 6-303)

5-304. <u>Enforcement of taxes</u>. For the proper enforcement of this chapter the recorder or deputy recorder shall be empowered to issue a distress warrant for the collection of such tax, including interest and penalty in the same manner and with the same authority as is provided under law governing the issuance of said distress warrants by county court clerks. The chief of police or any patrolman on the police force may execute the same in the same manner as provided for the execution of distress warrants in the hands of the sheriff or his deputies and as provided by the General Revenue Law. (1968 Code, § 6-304)

CHAPTER 4

WHOLESALE BEER TAX[1]

SECTION

5-401. Levied.
5-402. Collection.
5-403. Repeal of conflicting ordinances.

5-401. Levied. There is hereby imposed on the sale of beer at wholesale to retailers and other persons in the City of Columbia, Tennessee, a tax of one and one-half (1½) cents on every bottle, can, or container of twelve (12) ounces or less, and a tax of three (3) cents on every bottle, can or container of thirty-two (32) ounces and draft beer proportionately. (1968 Code, § 6-401)

5-402. Collection. Every person, firm, or corporation, who sells beer to retailers in Columbia, Tennessee, shall collect said tax and distribute same according to the provisions of Pub. Acts 1953, ch. 76. (1968 Code, § 6-402)

5-403. Repeal of conflicting ordinances. Ordinance No. 253 and any and all other ordinances in conflict with this chapter are hereby expressly repealed. However, in the event this chapter is declared unconstitutional, it is hereby declared to be the intent of the board of commissioners not to have repealed Ordinance No. 253. (1968 Code, § 6-404)

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[1]State law reference

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

CHAPTER 5

BUSINESS TAX ACT

SECTION

5-501. Implemented.

5-501. Implemented. The taxes provided in Pub. Acts 1971, ch. 387 and Pub. Acts 1972, ch. 850, and any amendments thereto known as the "Business Tax Act" are hereby enacted, ordained and levied on the public, public activities, vocations or occupations doing business or exercising a taxable privilege as provided by said act in the City of Columbia, Tennessee at the rates and in the manner prescribed in Pub. Acts 1971, ch. 387 as amended by Pub. Acts 1972, ch. 850, and any amendments thereto. The proceeds of the privilege taxes herein levied shall accrue to the general fund; provided, however, that section 6 (D) of said chapter 387 of the public acts of 1971 which provides that persons engaged in the business of constructing public roads shall pay a minimum tax of $400.00 per annum and all other persons enumerated in classification 4 of section 5 shall pay a minimum tax of $100.00 per annum shall not apply to the City of Columbia, but in lieu thereof persons engaged in the business of constructing public roads shall pay a minimum tax of $15.00 per annum plus $2.50 administrative cost and all other persons described or enumerated in classification 4 of section 5 shall pay a minimum tax of $15.00 per annum plus $2.50 administrative cost. (1968 Code, § 6-601)

CHAPTER 6

MERCHANTS' AD VALOREM TAXES

SECTION

5-601. Assessment.

5-601. Assessment. An ad valorem tax shall be collected upon the stocks and equipment or the gross investment of merchants and the taxes shall be computed upon the average value of such stocks and equipment owned by such merchants during the whole preceding year for which such tax is assessed, and not on just such gross investment owned by such merchant as of the tenth day of January of the taxable year. The term "merchant" as used in this section includes all persons, co-partnerships, or corporations engaged in trading or dealing in any kind of goods, wares, merchandise, articles, confections, and commodities, whether such goods, etc., be kept on hand for sale or the same be purchased and delivered for profit as ordered. The ad valorem tax shall be assessed by the city tax assessor in the same manner as is provided herein for the assessment of property generally. (1968 Code, § 6-201)

CHAPTER 7

PRIVILEGE TAX FOR SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES

SECTION

5-701. Levy of tax.
5-702. When due and payable.
5-703. City recorder to assess and collect.
5-704. Tax not imposed on charitable, nonprofit or political organizations.

5-701. Levy of tax. There is hereby levied and imposed on every person or entity within the corporate limits of the City of Columbia, Tennessee who holds a valid license for the retail sale of alcoholic beverages for consumption on the premises a privilege tax for the exercise of such privilege to be paid annually as hereafter set out, to-wit:

(1)	Private Club	$ 300.00
(2)	Hotel and Motel	1,000.00
(3)	Convention Center	500.00
(4)	Premier Type Tourist Resort	1,500.00
(5)	Restaurant, according to seating capacity, on licensed premises:	
	(a) 75-125 seats	600.00
	(b) 126-175 seats	750.00
	(c) 176-225 seats	800.00
	(d) 226-275 seats	900.00
	(e) 276 seats and over	1,000.00

If a restaurant is licensed by the commission to sell wine only under Tennessee Code Annotated, § 57-4-101(c)(1), the privilege tax imposed shall be one-fifth (1/5) the amount specified in this section.

(6)	Historic Performing Arts Center	300.00
(7)	Urban Park Center	500.00
(8)	Commercial Passenger Boat Company	750.00
(9)	Historic Mansion House Site	300.00
(10)	Historic Interpretive Center	300.00
(11)	Community Theater	300.00
(12)	Zoological Institution	300.00
(13)	Museum	300.00
(14)	Establishment in a terminal building of a commercial air carrier airport	1,000.00
(15)	Commercial airline travel club	500.00
(16)	Public aquarium	300.00

(17)	Motor speedway	1,000.00
(18)	Theater	300.00

(1968 Code, § 6-801, modified)

5-702. <u>When due and payable</u>. Said tax shall be payable to the city recorder within the thirty (30) days of the date of the initial license for the sale of alcoholic beverages for consumption on the premises and on the anniversary date of such license thereafter. (1968 Code, § 6-802)

5-703. <u>City recorder to assess and collect</u>. The city recorder is hereby vested with all the power and authority to assess and collect this tax as said recorder has as to the assessment and collection of all other license taxes. (1968 Code, § 6-803)

5-704. <u>Tax not imposed on charitable, nonprofit or political organizations</u>. No tax authorized or imposed by this chapter shall be levied or assessed from any charitable, nonprofit or political organization selling alcoholic beverages at retail pursuant to a special occasion license issued by the State of Tennessee. (1968 Code, § 6-804)

CHAPTER 8

PURCHASING MANUAL[1]

SECTION

5-801. Purchasing rules and regulations.
5-802. Purchasing agent; designation of.
5-803. Purchasing agent; powers and duties.
5-804. Formal contract and open market procedure.
5-805. Emergency purchases.

5-801. Purchasing rules and regulations. The city manager is hereby authorized and directed to establish, promulgate and enforce rules and regulations, which will govern the conduct of the city's purchasing. Such rules and regulations shall be published and designated as the "Purchasing Manual for the City of Columbia," and shall be the provisions controlling purchases for the city. Said manual shall be subject to initial approval, by resolution approved by the city council. Thereafter, the city manager may, from time to time, suggest changes and amendments to the purchasing manual, which changes or amendments shall be first approved by resolution of the city council. (Ord. #3388, Feb. 2001)

5-802. Purchasing agent; designation of. The purchasing agent shall be designated by the city manager. (Ord. #3388, Feb. 2001)

5-803. Purchasing agent; powers and duties. The purchasing agent shall perform all duties with respect to the purchase of supplies as required by this chapter or other ordinances and shall have the power and duties as set forth in the city's purchasing manual. (Ord. #3388, Feb. 2001)

5-804. Formal contract and open market procedure. 1. Formal contract procedure. All contractual services pertaining to public improvements or the maintenance of public property of the city when the estimated costs thereof shall exceed ten thousand dollars ($10,000) shall be purchased by formal written contract from the lowest responsible bidder, after due notice inviting proposals. Public improvements shall be scheduled and developed under the direction of the city engineer.

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[1]Municipal code reference
Purchase order authorization: § 5-107.

2. All other expenditures for supplies, materials, equipment or contractual services, when the estimated cost thereof shall exceed ten thousand dollars ($10,000) shall be purchased by formal written contract or purchase order from the lowest responsible bidder after due notice inviting proposals, subject to the exceptions set forth in Tennessee Code Annotated, title 6, chapter 56, part 3. Said transactions shall be expressly approved by the city council.

3. Where formal sealed bids are required by this section, an announcement that bids are to be received shall be publicly advertised in a newspaper of general circulation within the City of Columbia.

4. Waiver of competitive bidding. a. The city council may waive the requirement for competitive contractual bidding for the purchase of supplies, materials, equipment or contractual services when some material feature or characteristic of the item or service is unique in nature. A bid under $10,000 may be awarded without competition when the purchasing agent determines in writing that there is only one source for the required supply, service or construction. Sole source purchases above $10,000 shall be submitted for consideration by the city council.

b. Professional services shall be subject to competitive selection unless the city council waives the requirement under state law.

5. Open market purchases above two thousand five hundred dollars ($2,500) and less than ten thousand dollars ($10,000) in any fiscal year may be made in the open market without public advertisement but shall, whenever possible, be based upon at least three (3) written quotations from suppliers or contractors which will be valid for 90 days. The award shall be awarded to the lowest responsible supplier or contractor provided, however, that the exceptions to competitive bidding requirements set forth in Tennessee Code Annotated, title 6, chapter 56, part 3 shall be applicable to such transactions. The purchasing agent shall expressly approve such expenditures. For recurring, normal and routine purchases of materials, supplies or services, competitive bids shall not be required for each purchase but shall, whenever possible, be obtained on at least an annual basis.

6. Open market purchases above five hundred dollars ($500) and less than two thousand five hundred dollars ($2,500) shall, whenever possible, be based upon three (3) written, verbal or faxed quotations which will be valid for 90 days. The purchasing agent shall expressly approve such expenditures. For recurring, normal and routine purchases of materials, supplies or services, competitive bids shall not be required for each purchase but shall, whenever possible, be obtained on at least an annual basis.

7. Open market purchases below five hundred dollars ($500) shall be based upon open market direct solicitation. No order of goods or services over $500 shall be obtained without first securing a purchase order except those

items specifically designated as not requiring a purchase order within the purchasing manual. (Ord. #3388, Feb. 2001)

5-805. <u>Emergency purchases</u>. The city manager is authorized to make emergency procurements of twenty five thousand dollars ($25,000) or less without regard to the provisions of competitive bid procedures whenever there exists a threat to public health, welfare and safety or a significant disruption to the operations of a department. Emergency procurement in excess of ten thousand dollars ($10,000) shall be submitted to the city council for ratification. (Ord. #3388, Feb. 2001)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. WORKHOUSE.

CHAPTER 1

POLICE DEPARTMENT[1]

SECTION

6-101. Organization and personnel of the police department; emergency assistance.
6-102. Chief's general responsibilities.
6-103. General duties of policemen.
6-104. Policemen to wear uniforms, etc.
6-105. Police arrest powers; resisting an officer.
6-106. Force authorized for making arrests.
6-107. Police attendance at council meetings.
6-108. Police to report defective sidewalks, etc., new construction, dangerous conditions, new businesses, etc.
6-109. Police record to be made of each ordinance violator.
6-110. Police blotter to be maintained.
6-111. [Deleted.]

6-101. Organization and personnel of the police department; emergency assistance.[2] The police department shall consist of a chief of police and such number of subordinate officers and personnel as the city council shall authorize.

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[1]Charter references
Civil service board: art. VI.
Departments: art. XVI.
Police department: art. XVII.
Municipal code reference
Issuance of traffic citations, etc.: title 15.

[2]Municipal code reference
Emergency police protection: § 1-108.
Minimum age limit for policemen: § 4-607.

The chief of police shall have control of the patrol officers, detectives, and other officers and employees constituting the police force and the police department, subject, however, to the provisions of this chapter, departmental rules and such civil service rules and regulations as may be adopted.

In cases of a riot or other emergencies the chief of police may, for the period of said emergency, call to his assistance any of the inhabitants of the City of Columbia. (1968 Code, § 1-201)

6-102. Chief's general responsibilities. The chief of police shall devote his entire time to the maintenance and preservation of peace, good order, and the cleanliness of the city. He shall aid to the fullest extent of his ability in the enforcement of all special laws relating to the city and all the ordinances thereof. He shall have general charge of the city prisoners. He shall keep an account of the duties performed by each member and note all absences from duty and the cause of the same. He shall report all violations of rules and regulations of the police department to the city manager, together with the names of the witnesses to the facts and render a monthly report to the city manager showing in detail the operations in his department. (1968 Code, § 1-202)

6-103. General duties of policemen. It shall be the duty of the chief of police, the patrolmen, and other members of the police department, to prevent crime; to detect and arrest offenders; to suppress riots; to protect the rights of persons and property; to guard the public health by seeing that nuisances are removed; to restrain disorderly, bawdy, and gambling houses; to assist, advise, and protect strangers and travellers on the streets; to execute any and all manner of processes upon persons or property; to arrest upon sight any person who shall be guilty of a breach of the ordinances of the city or a crime against the laws of Tennessee, and to do whatever else may be required of them by the city council. (1968 Code, § 1-203)

6-104. Policemen to wear uniforms, etc. All members of the police department, when on duty, shall wear such uniforms, hats, and badges as the chief of police may determine and shall deport themselves in keeping with their positions. (1968 Code, § 1-204)

6-105. Police arrest powers; resisting an officer. In making arrests, a policeman, or other member of the police department, shall be clothed with the same powers and governed by the same restrictions as state officers in like cases. If any person resists or obstructs an officer, by force or threat, in the discharge of his duty, such person shall be subject to a penalty under the general penalty clause for this code. (1968 Code, § 1-205)

6-106. Force authorized for making arrests. To make an arrest, either with or without a warrant or to investigate disturbances, a policeman, or other member of the police force, may break open any outer or inner door or window of a dwelling house or other building, if, after notice of his official authority and purpose, he is refused admittance; provided that all arrests shall be made without using boisterous or abusive language and without the use of excessive force. (1968 Code, § 1-206)

6-107. Police attendance at council meetings. The chief of police or, in his absence, one of the policemen shall be present at the meetings of the city council whenever requested by the city council or the city manager. (1968 Code, § 1-207)

6-108. Police to report defective sidewalks, etc., new construction, dangerous conditions, new businesses, etc. It shall be the duty of each member of the police force to make a report to the city manager of all defective and dangerous sidewalks, streets, bridges, or obstructions in the streets, alleys, or parkways, and to report all new buildings under construction, or street lights or contractors' signals not burning; all new taxable businesses started, and to make said reports as soon as possible. When required by the recorder, they shall make inspections of all businesses being conducted in the city which are subject to city taxes. (1968 Code, § 1-208)

6-109. Police record to be made of each ordinance violator. The chief of police shall see that every person arrested for violating any ordinance of the city gives to the department a description of himself or herself, which said description shall include the name, address, age, height and fingerprint impressions of the thumb and four fingers of each hand, and any other information necessary. This description shall be numbered and placed on file in the department. (1968 Code, § 1-209)

6-110. Police blotter to be maintained. It shall be the duty of the chief of police to keep in the city hall a police blotter which shall show the persons arrested, the offense, the names of the witnesses, and whether the accused has been committed to jail or bail taken. (1968 Code, § 1-210)

6-111. [Deleted.] (Ord. #3391, Jan. 2001, as deleted by Ord. #3960, Nov. 2013)

CHAPTER 2

WORKHOUSE[1]

SECTION

6-201. City jail or county workhouse may be used.
6-202. Duration of confinement.

6-201. City jail or county workhouse may be used. All persons who have been convicted of an offense against the laws and ordinances of the city and sentenced to the workhouse, or who are in default of the payment of fines and costs adjudged against them, shall be committed to the city jail and be forced to labor upon the city streets or other city property, and city undertakings under the supervision of the director of public works. In lieu of the city jail, the Maury County Workhouse may be used pursuant to such contractual arrangement as may be worked out with the county. (1968 Code, § 1-401)

6-202. Duration of confinement. Each workhouse prisoner shall labor on the city streets and other city property as directed by the director of public works (or if in the county workhouse, at such labor as may be prescribed for county prisoners) until his sentence is completed or such fine, costs, or forfeitures shall be fully paid. (1968 Code, § 1-402)

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[1]Charter reference
Workhouse: art. VII, § 7.04.

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER

1. FIRE DISTRICT.
2. FIRE PREVENTION CODE.
3. FIRE DEPARTMENT.
4. [DELETED.]
5. FIREWORKS.
6. OPEN BURNING.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. There is hereby established, for the City of Columbia, the following fire limits. The fire limits shall consist of those areas of the City of Columbia designated by a map of the City of Columbia, which is hereby incorporated by reference and made a part of this chapter, and which map is identified by the title "Columbia, Tennessee Fire Limits Map," dated December 5, 1963. (1968 Code, § 7-210)

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[1]Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE PREVENTION CODE[1]

SECTION

7-201. Fire code adopted.
7-202. Establishment and duties of bureau of fire prevention.
7-203. Definitions.
7-204. Modifications.
7-205. Appeals.
7-206. New materials, processes, or occupancies which may require permits.
7-207. Violations.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and the rules of the Tennessee Department of Insurance, Division of Fire Prevention, there is hereby adopted by the City Council of the City of Columbia, Tennessee, for the purpose of prescribing regulations governing fire or explosion, that certain code known as the International Fire Code,[2] including Appendix B and Appendix C, published by the International Code Council, being particularly the 2012 edition. Not less than one (1) copy of the International Fire Code 2012 edition has been and now is filed in the office of the Recorder of the City of Columbia and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this chapter shall take effect, the provisions of the International Fire Code 2012 edition shall be controlling within the city limits of the City of Columbia, Tennessee. (1968 Code, § 7-201, as replaced by Ord. #3819, Sept. 2009, and Ord. #3974, April 2014)

7-202. Establishment and duties of bureau of fire prevention. The Fire Prevention Code shall be enforced by the bureau of fire prevention in the fire department of the City of Columbia, Tennessee, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

The chief of the fire department shall be in charge of the bureau of fire prevention.

The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall have the authority to appoint such technical inspectors as he deems necessary.

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[1]Municipal code reference
Building, utility and housing codes: title 12.

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

A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality. It shall contain all proceedings under this code with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1968 Code, § 7-202)

7-203. Definitions. Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Columbia, Tennessee.

Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the attorney for the City of Columbia, Tennessee. (1968 Code, § 7-203)

7-204. Modifications. The chief of the bureau of fire prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by any property owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1968 Code, § 7-207)

7-205. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed. (1968 Code, § 7-208)

7-206. New materials, processes, or occupancies which may require permits. The city manager, superintendent of inspections, and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1968 Code, § 7-209)

7-207. <u>Violations</u>. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of a fine shall not be held to prevent the enforced removal of prohibited conditions. (1968 Code, § 7-211)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Organization and personnel of the fire department.
7-302. Promotion, demotion, dismissal, etc., of firemen.
7-303. Chief to enforce fire department rules and regulations, etc.
7-304. Police power of firemen.
7-305. Firemen to wear uniforms, etc.
7-306. Interference with fire department; emergency assistance to department.
7-307. Obstruction of fire hydrants; driving vehicles near fires.

7-301. Organization and personnel of the fire department.[2] The fire department shall consist of a chief of the fire department and such number of subordinate officers and personnel as the city council may provide for by ordinance and the city manager shall appoint.

The chief of the fire department shall have control of all employees constituting the fire department.

In case of riot, conflagration, or other emergency, the city manager may appoint additional firemen and officers for temporary service only. (1968 Code, § 7-101)

7-302. Promotion, demotion, dismissal, etc., of firemen. The fire force shall be governed in all matters relating to the promotion, demotion, or dismissal in the same manner as is provided herein for members of the police force and rules and regulations shall be provided for the governing of the fire department in the same manner as heretofore provided for members of the police force. (1968 Code, § 7-102)

7-303. Chief to enforce fire department rules and regulations, etc. The chief of the fire department shall devote his entire time to the prevention

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[1]Charter references
Civil service board: art. VI.
Departments: art. XVI.
Fire department: art. XVIII.
Municipal code reference
Civil service system: title 4, chapter 6.

[2]Municipal code reference
Minimum age limit for firemen: § 4-607.

and control of fires in the City of Columbia, and shall control the members of the fire department while on duty, exacting from them obedience to all of the rules and regulations adopted for the department. He may discipline members of his department for insubordination or violation of the rules by temporary suspension as is provided by the city charter and this chapter. (1968 Code, § 7-103)

7-304. Police power of firemen. When fighting fires, the ranking officer of the fire department, during the actual conflagration, shall be clothed with police power to the same extent and with the same authority as the members of the police force. (1968 Code, § 7-104)

7-305. Firemen to wear uniforms, etc. All members of the fire department, when on duty, shall wear such uniforms, hats, and badges as the city manager may determine and shall deport themselves in keeping with their positions. (1968 Code, § 7-105)

7-306. Interference with fire department; emergency assistance to department. It shall be unlawful for any person, except members of the fire department, to handle any of the apparatus of the fire department, or to in any manner interfere with the working of the department during any fire or any practice drill. However, the chief of the fire department, or any ranking officer in charge of the fire department, may summon any inhabitant of the City of Columbia to render all of the assistance in his power to extinguish or stay the progress of a fire, or to assist the department in any way. A refusal to do so on the part of such person so summoned shall render the person so refusing liable to a penalty under the general penalty clause for this code. (1968 Code, § 7-106)

7-307. Obstruction of fire hydrants; driving vehicles near fires. It shall be unlawful for any person to place or cause to be placed around or near any of the fire hydrants in the city, any goods or other things, in such a manner as to interfere with the department in obtaining access to said hydrants. It shall also be unlawful for any person, without the permission of the fire department or police force, to ride or drive a vehicle through that part of any street or square in which the fire department is assembled for the purpose of extinguishing a fire. (1968 Code, § 7-107)

CHAPTER 4

[DELETED.]
(1968 Code, § 7-108, as deleted by Ord. #3749, May 2008)

CHAPTER 5

FIREWORKS

SECTION

7-501. Purpose.
7-502. Definitions.
7-503. Permit required.
7-504. Permit fees and length of validity.
7-505. Application for permit.
7-506. Separate sales and use tax numbers required.
7-507. Permissible types of fireworks.
7-508. Conditions for sale, use and storage of permissible items.
7-509. Retail sale of permissible items--time limitations--exceptions.
7-510. Public displays--permits--regulation.
7-511. Regulations governing storing, locating or displaying of fireworks.
7-512. Unlawful acts in the sale, handling, or private use of fireworks.
7-513. Due process; penalty for violation.
7-514. Exceptions to application.

7-501. Purpose. The purpose of this chapter is to provide an ordinance for regulating the manufacturing, sale, display, use and storage of certain fireworks for both private and public display within the corporate limits of the City of Columbia, Tennessee, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein. (Ord. #3535, Dec. 2003)

7-502. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

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

(2) "D.O.T. Class C Common Fireworks." All articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" in the regulations of the United States Department of Transportation for transportation of explosives and other dangerous articles.

(3) "Manufacturer." Any person engaged in the making, manufacturing or constructing of fireworks of any kind.

(4) "Permit." The document granting the written authority of the City of Columbia Fire Chief or his designee issued under the authority of this chapter.

(5) "Person." Any individual, organization for profit, organization not for profit, firm, partnership or corporation.

(6) "Retailer." Any person engaged in the business of making retail sales of fireworks.

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

(8) "Sign, portable." Any advertising sign or devise in the shape of an "A" frame or any variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually a two sided sign and including any single or double surface painted or postered panel type sign or any variation thereof, which is temporary in nature, usually mounted on wheels, easily moveable, not permanently attached to the premises or any building, wall, fence, pole or any other structure situated upon any real property.

(9) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.

(10) "Storage." A place where merchandise is stocked or supply is reserved for future use.

(11) "Storage facility." A place where fireworks are stockpiled or kept for future use.

(12) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer. (Ord. #3535, Dec. 2003)

7-503. <u>Permit required</u>. It shall be unlawful for any person to sell, publicly display, offer for sale, ship, cause to be shipped or stored in the City of Columbia or property which is within the area the city fire department protects, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, person or entity in charge of a public display event, or retailer, from both the City of Columbia Fire Chief or his designee and the State of Tennessee Fire Marshal (as required by <u>Tennessee Code Annotated</u>, § 68-104-101, <u>et</u> <u>seq</u>.). Possession of said permits shall be a condition prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the City of Columbia, except as herein provided. Permits issued under this section are not transferable. No permit shall be issued for manufacturing of fireworks within the City of Columbia as the same is prohibited. (Ord. #3535, Dec. 2003)

7-504. <u>Permit fees and length of validity</u>. (1) The fee for the permit provided for in § 7-503 of this chapter for retail sales of fireworks shall be two thousand five hundred dollars ($2,500.00) and the permit shall be valid for a maximum period of ten (10) days as specified on such permit.

(2) The fee for storage of fireworks shall be one thousand dollars ($1,000.00) and the permit shall be valid for a period of one hundred eighty (180) days as specified on such permit.

(3) The fee for public display events shall be one thousand dollars ($1,000.00) and the permit shall be valid for a maximum period of three (3) days as stated on such permit.

(4) The fee for obtaining a permit for a distributor shall be one thousand dollars ($1,000.00) and the permit shall be valid for a period of one hundred eighty (180) days from the date of issuance. (Ord. #3535, Dec. 2003, as amended by Ord. #3678, Jan. 2007)

7-505. <u>Application for permit</u>. Applicants for a permit under this chapter must obtain a permit packet and file with the city recorder a sworn written application containing the following:

(1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit.

(2) The complete home address, business address and local address of the applicant.

(3) A brief description of the location where such applicant intends to either sell, display or store said fireworks.

(4) The amount of fireworks on hand and the amount of fireworks to be stored.

(5) The date and length of time for which the right to do business is desired.

(6) A statement as to whether or not the applicant has been convicted of any felony or misdemeanor or for the violation of any municipal ordinance; the nature of the offense; and the punishment and penalty assessed therefore.

(7) After the application has been submitted and approved, the fire marshal or his designee shall inspect the site for compliance.

(8) Any fees are to be paid when the application is submitted and all fees are non-refundable.

(9) The City of Columbia shall be named as an additional insured on applicant's liability policy with a required minimum of one million dollars ($1,000,000.00) in coverage. (Ord. #3535, Dec. 2003)

7-506. <u>Separate sales and use tax numbers required</u>. A separate sales and use tax number shall be required for each location where D.O.T. Class C Fireworks are sold.

The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter are required by law. (Ord. #3535, Dec. 2003)

7-507. <u>Permissible types of fireworks</u>. It is unlawful for any individual, firm, partnership or corporation to possess, sell, use or store within the City of Columbia, or ship into the City of Columbia, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 1.4 C common fireworks; or

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (Ord. #3535, Dec. 2003)

7-508. <u>Conditions for sale, use and storage of permissible items</u>. No permissible articles of D.O.T. Class C Common Fireworks, shall be sold, offered for sale, or possessed within the City of Columbia, or used within the city, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified "D.O.T. Class C Common Fireworks" on all shipping cases and by imprinting on the article or retail container D.O.T. Class C Common Fireworks, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. The regulations of the State of Tennessee Fire Marshal's Office relative to the possession and sale of fireworks, their storage and safety requirements, are hereby incorporated by reference herein, together with the regulations of the National Fire Protection Association (NFPA 1124). Retail sales for fireworks will only be allowed in commercial zones defined by the Columbia Zoning Ordinance. No parking at any site shall be allowed in the city right of ways. Signs advertising fireworks are allowed only on the permitted site. No portable signs as defined herein shall be allowed. A minimum distance for the sale of fireworks shall be a minimum of 50 feet from any public right-of-way and/or permanent building. Fireworks shall not be sold or stored within three hundred (300) feet of any residential district, hospital, hotel, motel, private or public schools. All permits must be kept on site and visibly posted in the sales or storage area. A business license must be obtained from the city recorder's office. (Ord. #3535, Dec. 2003, as replaced by Ord. #3958, Oct. 2013)

7-509. <u>Retail sale of permissible items--time limitations--exceptions</u>. Permissible articles of fireworks may be sold at retail to residents of the City of Columbia and used within the City of Columbia only from June

20th through July 5th, and from December 20th through January 2nd of each year. The definition of fireworks does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding. Toy paper pistol caps which contain less than twenty-five one hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or per chlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, may be sold at all times. Retail sales displays of the fireworks within the city must be housed in a temporary facility, such as a tent or trailer, away from any permanent structure and the temporary facility cannot be attached to said permanent structure. Proof of tent flame retardant is required. (Ord. #3535, Dec. 2003)

7-510. Public displays--permits--regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal's office. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the City of Columbia, shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the police chief and fire chief, or their designees, and applied for and received a permit for such displays issued by the City of Columbia and the state fire marshal's office. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that is not hazardous to property and that it shall not endanger human lives. (Ord. #3535, Dec. 2003)

7-511. Regulations governing storing, locating or displaying of fireworks. (1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to allow the presence of open flames, lighted cigars, cigarettes, or pipes within fifty (50) feet of where the fireworks are offered for sale is hereby declared unlawful

and prohibited. At all places where fireworks are stored or sold, there must be posted signs (not hand made) with the words "fireworks--no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are offered for sale or used, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold.

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

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

(4) Any sales or storage facilities must be at all times free from litter and debris.

(5) All proposed sales or storage facilities must be inspected prior to the selling or storing of any fireworks.

(6) Storage facilities must have a placard with a NFPA 704 warning symbol "Fireworks." (Ord. #3535, Dec. 2003)

7-512. <u>Unlawful acts in the sale, handling, or private use of fireworks</u>. (1) It is unlawful to:

(a) Offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or incompetent person;

(b) Explode or ignite fireworks within three hundred feet (300') of any church, hospital, hotel, motel, or public school or within three hundred feet (300') of where fireworks are stored, sold, or offered for sale, or within three hundred feet (300') of a gasoline retailer or wholesale storage facility;

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people;

(d) Ignite fireworks during a burning ban declared by either the State of Tennessee or the city manager, except for public (and/or group) displays for which permits have been granted.

(e) No fireworks shall be discharged before 9:00 A.M. and no fireworks shall be discharged after 10:30 P.M. with the exception of New Year's Eve when the discharge of fireworks shall cease at 12:30 A.M. on January 1st.

(2) All items of fireworks, which exceed the limits of D.O.T. Class C Common Fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from the manufacturing, possession, use, sales or storage within the City of Columbia. This subsection shall not affect display fireworks authorized by this chapter.

(3) Fail to comply with the City of Columbia's Zoning Ordinances. (Ord. #3535, Dec. 2003, as amended by Ord. #3923, Sept. 2012)

7-513. Due process; penalty for violation. Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not to exceed three (3) years.

The permit holder shall be held responsible in the event of fire, personal injury, physical injury, and/or any property damage as a result of the permit holder's or the permit holder's employees actions. If permit is suspended or revoked the permit holder may request a due process hearing in front of the City Manager of the City of Columbia within three (3) days.

If a person or organization fails to obtain any required permits prior to manufacturing, possession, use, sales or storage of fireworks, the required permit fees shall be doubled. (Ord. #3535, Dec. 2003)

7-514. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes from the state fire marshal's office, and after approval of the local county agricultural agent and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of Columbia. (Ord. #3535, Dec. 2003)

CHAPTER 6

OPEN BURNING

SECTION

7-601. Definitions.
7-602. Open burning prohibited.
7-603. Exceptions to prohibition.
7-604. Permits for open burning.
7-605. Penalties for failure to comply.
7-606. Review of violations by the city manager.

7-601. Definitions. 1. "Air curtain destructor" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain. The use of an air curtain destructor is considered controlled open burning subject to opacity requirements as stated elsewhere.

2. "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

3. "Fuel oil" is defined as having a lower ignition temperature than kerosene. Kerosene has an ignition temperature of 444 degrees F. (Kerosene/diesel fuel is acceptable.)

4. "Garbage" is defined as putrescible animal or vegetable waste resulting from the processing, storage, serving, or consumption of food.

5. "Open burning" is the burning of any matter under such condition that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

6. "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns.

7. "Public nuisance" is defined as a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the citizens at large, resulting either from an act not warranted by law, or from neglect of a duty imposed by law.

8. "Refuse collection service" is a public or private operation engaged in rubbish and/or garbage collection, transportation, and disposal in a registered sanitary landfill.

9. "Registered sanitary landfill" is defined as one approved by the Tennessee Department of Health and Environment, Division of Solid Waste Management, to which a registration number has been assigned.

10. "Rubbish" is defined as residential paper and cardboard products and packaging.

11. "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. Leaves that are not still on limbs are not considered wood waste. (Ord. #3402, April 2001)

7-602. <u>Open burning prohibited</u>. 1. No person shall cause, suffer, allow, or permit open burning except as specifically exempted by § 7-603, "Exceptions to prohibitions."

2. Open burning except for the exemptions contained in § 7-603 will not be allowed in any area where the open burning would interfere with the attainment or maintenance of the State of Tennessee air quality standards.

3. No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one half (½) miles of such a non-attainment or additional control area.

4. The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.

5. No open burning shall be allowed when the governor has placed a ban on open burning. (Ord. #3402, April 2001)

7-603. <u>Exceptions to prohibition</u>. Open burning, as listed below, may be conducted subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. As a general rule, open burning will not be permitted except between sunrise until one hour before sunset. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

1. Fires used for cooking of food or for ceremonial, recreational, or comfort heating purposes, including barbecues and outdoor fireplaces. This exception does not include commercial food preparation facilities and their operation.

2. Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband.

3. Fires set by or at the direction of responsible fire control persons solely for training purposes: such as for fire service training at fire academies or for local fire department training, or directed at the prevention, elimination, or reduction of fire hazards. However, routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard.

4. Fires used to clear land consisting solely of vegetation grown on that land for agricultural, forest, or game management purposes. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

5. Fires used to clear land when trees and brush are piled may require that an air curtain destructor be used when the amount or distance of such burn is less than 500 feet to an airport, hospital, nursing home, school, federal or state highway and/or residences. The fire chief or his designee will make the determination when the air curtain destructor is required.

6. Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in Tennessee Code Annotated, § 68-25-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

7. Fires for the burning of bodies of dead animals, including poultry, in accordance with Tennessee Code Annotated, § 44-2-1302, and where no other safe and/or practical disposal method exists.

8. Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of these regulations are met.

9. Such other open burning as may be approved by the Tennessee Air Pollution Control Division where there is no other practical, safe, and/or lawful method of disposal. Documentation demonstrating where the general open burning regulations cannot be met must be submitted. (Ord. #3402, April 2001)

7-604. Permits for open burning. Open burning may be conducted only when authorized by a specific permit issued by the City of Columbia and approved in writing by the Columbia Fire Department before burning commences and then only when done in conformity with the following conditions and any special conditions and terms of the permit:

1. Exempt from permits are § 7-603(1), (2) and (3).

2. As a general rule, open burning will only be permitted between sunrise and until one hour before sunset.

3. All material to be burned must be dry and in all other respects be in a state to sustain good combustion.

4. No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.

5. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.

6. Application for open burning permits shall be made on forms available from the City of Columbia City Recorder's Office, 707 North Main Street and shall be submitted no later than ten (10) days prior to commencing open burning. Failure to submit completed forms or to supply requested supplementary information concerning a proposed open burning operation shall constitute just cause for refusing issuance of a permit.

7. An open burning permit shall be subject to revocation if fire is deemed by the City of Columbia Fire Department to jeopardize public health or welfare, or create a public nuisance or safety hazard.

8. Obtaining an open burning permit as required does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other requirements set forth by other such agencies. (Ord. #3402, April 2001)

7-605. <u>Penalties for failure to comply</u>. Failure to obtain a valid open burning permit from the Columbia Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter and such corrective/punitive measures that may be deemed appropriate by the City of Columbia Fire Department. Schedule for equipment and manpower listed below with a one hour minimum for each incident:

Fire apparatus	$45 per hour per apparatus.
Firefighters	$15 per hour per person.
Materials	At cost. (Ord. #3402, April 2001)

7-606. <u>Review of violations by the city manager</u>. Any person charged with violation of the provisions herein shall be entitled to request a review by the city manager of such violation. Such request must be made in writing and must be made within fifteen (15) days from the date of the notice of violation. Following such review, the city manager is hereby authorized to forgive a portion or all of the charges assessed for violation of this section. (as added by Ord. #3637, March 2006)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Subject to regulation.
8-102. Terms defined.
8-103. [Deleted.]
8-104. [Deleted.]
8-105. License required for retail business.
8-106. Location restrictions on retailers.
8-107. Limitation on number of retailers.
8-108. Bonds of retailers.
8-109. Miscellaneous restrictions on license holders and their employees.
8-110. License to be displayed.
8-111. Transfer of licenses prohibited; term of licenses; use of agents.
8-112. Expiration and renewal of licenses.
8-113. New license after revocation.
8-114. Federal license, effect of.
8-115. Inspection fee.
8-116. Regulations for purchase and sale of intoxicating liquors.
8-117. Retailers not to solicit orders or make deliveries off their premises.
8-118. Regulation of retailers.
8-119. Failure to pay license or inspection fee, etc.
8-120. City manager may examine books, papers, etc., of dealers.
8-121. Violations.

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[1]Municipal code references
Drinking beer, etc., on streets, etc.: § 11-101.
Minors in beer places: § 11-102.
Privilege tax for consumption on the premises: title 5, chapter 7.
State law reference
Tennessee Code Annotated, title 57.

8-122. Visible open containers on streets, etc., prohibited.
8-123. Chapter not applicable to beer.

8-101. Subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or possess alcoholic beverages within the corporate limits of this municipality except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder, and as provided in this chapter. (1968 Code, § 2-101)

8-102. Terms defined. Whenever used herein unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two (2) contain an alcoholic content of five per cent (5%) by weight, or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.

(3) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

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

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

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

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

(8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climate, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one per cent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(9) The word "gallon" or "gallons" wherever used herein, shall be construed to mean a wine gallon or wine gallons, of one hundred and twenty-eight (128) ounces. The word "quart" whenever used herein will be

construed to mean one-fourth (1/4) of a wine gallon. The word "pint" wherever used shall be construed to mean one-eighth (1/8) of a wine gallon.

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

(11) The term "federal license" as used herein shall not mean tax receipt or permit. (1968 Code, § 2-102)

8-103. [Deleted.] (1968 Code, § 2-103, as deleted by Ord. #3988, June 2014)

8-104. [Deleted.] (1968 Code, § 2-104, as deleted by Ord. #3988, June 2014)

8-105. License required for retail business. For the retail sale of alcoholic beverages a license may be issued as herein provided. Any person, firm or corporation desiring to sell alcoholic beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the city manager for a retailer's license. The application shall be in writing on forms prescribed and furnished by the city manager. Subject to the issuance of a retail license by the Alcoholic Beverage Commission of the State of Tennessee, a majority of the city council may issue such retailer's license. Such retailer's license shall not be issued unless and until the applicant therefor shall pay to the city recorder a license fee of two hundred and fifty dollars ($250.00); and no license shall be issued except to individuals who are residents of the State of Tennessee and either have been bona fide residents of the state for at least two (2) years next preceding or who have at any time been residents of the State of Tennessee for at least ten (10) consecutive years. (Ord. #3459, May 2002)

8-106. Location restrictions on retailers. No license shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the city commission, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be in too close proximity of a church, school, or public institution, or otherwise inimical to the public interest. A retailer's license issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business shall be cause for immediate revocation of said license by the city manager, unless the new location is approved in writing by the city manager. (1968 Code, § 2-106)

8-107. <u>Limitation on number of retailers</u>. No more than seven (7) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (1968 Code, § 2-107)

8-108. <u>Bonds of retailers</u>. Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee. Bonds of retailers shall be five hundred dollars ($500.00). Said bonds shall be conditioned that the principal thereof shall pay any fine which may be assessed against such principal. (1968 Code, § 2-108)

8-109. <u>Miscellaneous restrictions on license holders and their employees</u>. (1) The license fee for every license hereunder shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this chapter. In addition to all other penalties, a violation of this section shall authorize and require the revocation of the license, the fee for which was paid by another, and also the revocation of the license, if any, of the person so paying for the license of another.

(2) No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(3) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(4) No license shall under any condition be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of the State of Tennessee or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling intoxicating liquors or who has, during said period, been engaged in business alone or with others, in violation of any of said laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.

(5) No manufacturer, brewer, or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixtures of any such person.

(6) It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his interest in said business and the nature, extent, and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed to the city manager and approved by him. Where such interest is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.

(7) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States.

(8) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer to employ any person under twenty-one (21) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the storage, sale, or distribution of alcoholic beverages.

(9) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(10) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.

(11) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a license shall be a violation of this chapter. (1968 Code, § 2-109)

8-110. <u>License to be displayed</u>. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (1968 Code, § 2-110)

8-111. Transfer of licenses prohibited; term of licenses; use of agents. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (1968 Code, § 2-111)

8-112. Expiration and renewal of licenses. Licenses issued under this chapter shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by payment of the above mentioned license fee. (1968 Code, § 2-112)

8-113. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (1968 Code, § 2-113)

8-114. Federal license, effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (1968 Code, § 2-114)

8-115. Inspection fee. There is hereby imposed an inspection fee of five per cent (5%) on all wholesale sales of alcoholic beverages to licensees under this chapter. This fee shall be collected by the wholesaler making such sales who shall remit said fees to the city at such times and in such manner as the city manager shall designate accompanied by whatever forms and information he may prescribe. The wholesalers shall be allowed a fee of five per cent (5%) of all sums so collected as compensation for services in collecting and remitting said fee. (1968 Code, § 2-115)

8-116. Regulations for purchase and sale of intoxicating liquors.

(1) It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

(3) No licensee shall sell intoxicating liquors at retail in connection with any other business or in the same store where any other business is carried on.

(4) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets such retail store may maintain a door opening on each of the public streets. Provided, however, that any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public, and provided further, that every retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances.

(5) No holder of a license for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered, any alcoholic beverages on credit.

(6) No alcoholic beverages shall be sold for consumption on the premises of the seller.

(7) The sale and delivery of alcoholic beverages shall be confined to the premises of the licensee and curb service is not permitted.

(8) To the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(9) No form of entertainment, including pin ball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(10) No advertising is allowed by a licensee, person, firm, corporation, partnership, or any other entity by billboards, displays, posters, or designs intended to advertise any alcoholic beverage within the corporate limits of the City of Columbia, outside the building of a licensee, except that a sign, subject to the approval of the city manager, may be erected upon the property occupied by the licensee. No sign shall exceed the size of 6 foot by 3 foot, and no flashing lights shall be allowed. (1968 Code, § 2-116)

8-117. <u>Retailers not to solicit orders or make deliveries off their premises</u>. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any

such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises. (1968 Code, § 2-117)

8-118. Regulation of retailers. (1) No retailer shall directly or indirectly, operate more than one (1) place of business for the sale of alcoholic beverages, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(2) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away such beverages to any person accompanied by a person who is drunk.

(3) No retailer shall sell, lend, or give away any alcoholic beverages to a person under 21 years of age.

(4) No retailer shall sell, lend, or give away any alcoholic beverages between 11 o'clock p.m. on Saturday and 8 o'clock a.m. on Monday of each week, and between 11 o'clock p.m. and 8 o'clock a.m. Monday through Saturday.

(5) No retailer shall sell, lend, or give away any alcoholic beverages on any day of a general or primary election or upon Christmas or Thanksgiving days.

(6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverage in any unsealed bottles or other unsealed containers. (1968 Code, § 2-118)

8-119. Failure to pay license or inspection fee, etc. Whenever any person licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (1968 Code, § 2-119)

8-120. City manager may examine books, papers, etc., of dealers. The city manager is authorized to examine the books, papers, and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (1968 Code, § 2-120)

8-121. Violations. Any violation of the terms of this chapter shall be punishable by a fine under the general penalty clause for this code. In such cases, suspension of the license by the city manager for thirty (30) days shall be mandatory, and in the discretion of the commission may be cause for revocation of said license. (1968 Code, § 2-121)

8-122. Visible open containers on streets, etc., prohibited.[1] Visible possession of alcoholic beverage in an unsealed container upon any public street or within any governmental building shall be a violation of this chapter. (1968 Code, § 2-122)

8-123. Chapter not applicable to beer. No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquids with an alcoholic content of five (5) per cent or less, more specifically chapter 2 in this title. (1968 Code, § 2-123)

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[1]Municipal code reference
Drinking beer, etc., on streets, etc.: § 11-101.

CHAPTER 2

BEER[1]

SECTION

8-201. Purpose of chapter.
8-202. Beer business subject to regulation.
8-203. "Beer" and "intoxicating liquors" defined.
8-204. Beer board established; compensation of members.
8-205. Meetings of the beer board.
8-206. Record of beer board proceedings to be kept.
8-207. Requirements for beer board quorum and action.
8-208. Powers and duties of the beer board.
8-209. Permit required for engaging in the beer business; term of permit; annual inspections of premises.
8-210. Restrictions on granting permits.
8-211. Application forms; effect of false statements or misrepresentations therein.
8-212. Application requirements.
8-213. Beer permits to be restrictive; special event permits.
8-214. Permits not transferable.
8-215. Display of permit.
8-216. Restrictions on permits based on proximity to schools, churches, public parks or other places of public gathering and on permits that would cause congestion of traffic or interfere with public health, safety and morals.
8-217. Further restrictions on the issuance of permits.
8-218. Issuance of permits to hotels, clubs, etc.
8-219. Sanitation for the premises of the permit holder.
8-220. Persons under the age of twenty-one years, fraudulent evidence of age; purchase in behalf of a person under twenty-one years of age by a third person, etc.
8-221. Investigation of applicants, agents and/or employees.
8-222. Prohibited conduct or activities by beer permit holder.
8-223. Suspension and revocation of beer permits.
8-224. City business license.
8-225. Privilege tax.
8-226. Notice requesting information.
8-227. Penalties for violations.

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[1]State law reference

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

8-228. Employees liable for violations.
8-229. Notice to be given of permit suspension or revocation.
8-230. Application fee for sale of beer.

8-201. Purpose of chapter. This chapter is adopted to regulate the sale of beer or other beverages of like content as herein defined within the corporate limits of the City of Columbia. (Ord. #1969, Dec. 1993)

8-202. Beer business subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as provided by the laws of the State of Tennessee or any other beverages of like alcoholic content, within the corporate limits of the City of Columbia, subject to all of the regulations limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (Ord. #1969, Dec. 1993)

8-203. "Beer" and "intoxicating liquors" defined. The term "beer" as used in this chapter shall mean and include all intoxicating beverages such as beers, ales and other fermented liquors having an alcoholic content of not more than five percent (5%) in weight. The term "intoxicating liquor" as used in this chapter shall mean any beverage containing more than five percent (5%) alcoholic strength in weight as set forth in Tennessee Code Annotated, § 52-2-101. (Ord. #1969, Dec. 1993)

8-204. Beer board established; compensation of members. There is hereby established a beer board to be composed of five (5) residents of the City of Columbia, over the age of twenty-one (21) years, who shall be appointed by the mayor and approved by the city council. The members of said board shall hold office for three (3) years or until their successors are appointed and qualified. With the adoption of the modified term, initially said members shall hold office for the first term as follows: one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Each member of the board shall receive as compensation the sum of twenty-five dollars ($25.00) for attendance at each meeting of the board. (Ord. #1969, Dec. 1993, as amended by Ord. #1987, March 1994, and replaced by Ord. #3679, May 2007, and Ord. #3887, June 2011)

8-205. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings on the second Wednesday of the month or as set by the beer board. A special meeting of the beer board may be called by its chairman provided he gives reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (Ord. #1969, Dec. 1993)

8-206. <u>Record of beer board proceedings to be kept</u>. The City Manager of the City of Columbia shall furnish a secretary who shall attend all meetings of the beer board. This secretary shall make a record of the proceedings of the beer board which shall be a public record and shall contain the dates of the meetings; the names of the board members present and absent; in cases of hearings before the beer board, a record of evidence introduced and testimony heard before the board; the provision of each permit issued by the board as to whether it is a permit for sale for off premises consumption or for sale for on premises consumption. The secretary shall also maintain a current list of the names and addresses of all holders of beer permits. (Ord. #1969, Dec. 1993)

8-207. <u>Requirements for beer board quorum and action</u>. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. The beer board will consider all written and oral evidence presented in deciding whether or not to issue a permit. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #1969, Dec. 1993)

8-208. <u>Powers and duties of the beer board</u>. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within this municipality in accordance with the provisions of this chapter, subject to the provisions of state law.

The beer board is hereby given broad powers of investigation, and it shall have the authority to inspect the premises of any applicant and at all reasonable hours may investigate the premises of all permit holders. (Ord. #1969, Dec. 1993)

8-209. <u>Permit required for engaging in the beer business; term of permit; annual inspections of premises</u>. No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverages of like alcoholic content within the corporate limits of the City of Columbia until he shall receive a permit to do so from the beer board of the City of Columbia. The permit shall at all times be subject to all of the limitations and restrictions herein provided. Also, the applicant shall certify that he or she has read and is familiar with the provisions of this chapter and applicable state law.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the establishment continues to do business; the location of the premises remains the same; the business

continues to be operated under the name identified in the permit application; and all inspections required under this chapter are passed and the annual privilege tax is paid. For the purposes of this chapter, if the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. A permit holder must return the beer permit to the beer board of the City of Columbia within fifteen (15) days of termination of business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business name. The premises shall be inspected annually by all authorities that inspect for the initial issuance of the permit and the failure to comply with all the terms of such inspections may result in the revocation of the permit; provided, however, nothing contained herein shall be construed to require the periodic renewal of beer permits. (Ord. #1969, Dec. 1993)

8-210. Restrictions on granting permits. No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law or of this chapter or any amendment thereto.

(2) In violation of the Zoning Ordinance of the City of Columbia.

The judgement of the beer board on such matters shall be final, except as same is subject to review under Tennessee Code Annotated. (Ord. #1969, Dec. 1993)

8-211. Application forms; effect of false statements or misrepresentations therein. No permit shall be issued except upon an application in writing submitted to the beer board. The application shall be on proper forms furnished by the city recorder. Any misrepresentation or false statement contained in the application upon which a permit is used shall subject said permit to immediate revocation upon a hearing after notice as provided below, issued upon a proper complaint charging that there has been a misrepresentation or false statement in said application. At such hearing the burden of proof shall be upon the holder of the permit to establish the truth of each statement and representation made in his or her application. Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years. (Ord. #1969, Dec. 1993, as replaced by Ord. #3679, May 2007)

8-212. Application requirements. (1) Each application must explicitly and affirmatively state:

(a) The name of the applicant;

(b) The name of the applicant's business;

(c) The location of the business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this chapter;

(d) If beer will be sold at two (2) or more restaurants or other businesses in the same building, pursuant to the same permit, a description of all such businesses;

(e) The names of persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;

(f) The identity and address of a representative to receive annual tax notices and any other communication from the city;

(g) That no person, firm, corporation, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude within the past ten (10) years.

(h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption. If a holder of a beer permit for either on-premises consumption or for off-premises consumption desires to change the method of sale, such permit holder shall apply to the beer board for a new permit;

(i) That the applicant will not engage in the sale of beer except at the place or places for which the beer board has issued a permit;

(j) That no sale of beer will be made except in accordance with the permit granted;

(k) That no sale will be made to persons under twenty-one (21) years of age, and that the applicant will not allow disorderly persons to loiter around the place of business;

(l) That the applicant will be responsible for any gambling on the premises and the permit will be subject to revocation by reason of the same. That the applicant will not allow nor has allowed the place of business to become a public nuisance or a nuisance to law enforcing agencies of the City of Columbia, nor that it has or will create a nuisance;

(m) That the applicant has secured a certificate or statement from the chief of police or other designated official that the premises which the application covers meets the requirements of this chapter and applicable state law. Such certificate or statement must be attached to the original application; and

(n) That the applicant has not had his or her permit revoked within one (1) year.

(2) No application shall be acted upon by the beer board unless:

(a) The application along with the nonrefundable application fee of two hundred fifty dollars ($250.00) is submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered unless said period is waived by the beer board. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007, and Ord. #3833, March 2010)

8-213. Beer permits to be restrictive; special event permits.

(1) All beer permits shall be restrictive as to the type of beer business authorized under them. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his or her permit and application therefor.

(2) A special occasion beer permit may be issued by the beer board and is a permit which may be issued to a bona fide charitable, nonprofit or political organization. Such permit shall be issued for no longer than one (1) twenty-four hour period, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. Such permit shall not be issued unless and until there shall have been paid to the City of Columbia for each such permit a permit fee of one hundred fifty dollars ($150.00), and there shall have been submitted to the beer board an application which designates the premises upon which beer shall be served. No such charitable, nonprofit or political organization shall be eligible to receive more than two (2) special occasion licenses in any calendar year. For the purpose of this section "bona fide charitable or nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under § 501(c) of the Internal Revenue Code (26 U.S.C.501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes; "bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, § 2-10-102 or any political party as defined in Tennessee Code Annotated, § 2-13-101. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007)

8-214. Permits not transferable. Beer permits shall not be transferable from one person to another or from one location to another. A new permit is required in the manner provided herein when a holder disposes of his business or transfers to another location. (Ord. #1969, Dec. 1993)

8-215. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses and stamps as required by law. (Ord. #1969, Dec. 1993)

8-216. <u>Restrictions on permits based on proximity to schools, churches, public parks or other places of public gathering and on permits that would cause congestion of traffic or interfere with public health, safety and morals</u>. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, public parks, or other places of public gathering or would otherwise interfere with the public health, safety and morals.

Specifically, but not by way of limitation, no permit for the sale of beer for consumption on-premises or permit for consumption off-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any school or public park. For public parks, said distance shall be measured in a straight line from applicant's front door to the closest point of the park property. For schools, said distance shall be measured in a straight line from applicant's front door to the front door of the school.

In addition, no permit for the sale of beer for consumption on-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within five hundred feet (500') of an existing permit holder.

Also, no permit for the sale of beer for consumption off-premises shall be given to any applicant whose place of business is within two hundred fifty feet (250') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within two hundred fifty feet (250') of an existing permit holder.

However, the beer board shall not suspend, revoke or deny a permit to a business engaged in selling, distributing or manufacturing beer on the basis of the proximity of the business to a school, park or church if a valid permit had been previously issued to any business on that same location; provided further, however, this exception shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

(2) The downtown historic district shall be excluded from the distance restrictions outlined in subsection (1) above. (Ord. #1969, Dec. 1993, as amended by Ord. #2049, Feb. 1995, and replaced by Ord. #3679, May 2007, Ord. #3745, June 2008, Ord. #3767, Sept. 2008, Ord. #3834, March 2010, Ord. #3877, Feb. 2011, and Ord. #3888, June 2011)

8-217. <u>Further restrictions on the issuance of permits</u>. No permit shall be issued to any person who has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude within the past ten (10) years.

The board in its discretion may refuse to issue a permit for any place of business which in the period immediately preceding the application for a permit was operated in such a manner as to materially contribute with places of like character in its vicinity in the creation or maintaining of a public nuisance.

No permit shall be issued to any person who has been found guilty of violating any of the provisions of this chapter. (Ord. #1969, Dec. 1993, as replaced by Ord. #3679, May 2007)

8-218. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit, for this chapter, to hotels, motels, clubs or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided for by this chapter. (Ord. #1969, Dec. 1993)

8-219. Sanitation for the premises of the permit holder. The premises of the permit holder shall be defined as the lot or property under control of the permit holder, both inside the building and outside the building. The permit holder shall be responsible for the sanitation of the premises including refuse storage, both inside and outside the building, lavatory and general cleanliness of the grounds and structure. The city manager, the county health officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Columbia. (Ord. #1969, Dec. 1993)

8-220. Persons under the age of twenty-one years, fraudulent evidence of age; purchase in behalf of a person under twenty-one years of age by third person, etc. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a person under twenty-one (21) years of age. It shall be unlawful for any person under twenty-one (21) years of age to present or offer to the holder of a permit, his agent or employee, any written evidence of his age is false, fraudulent of not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall upon conviction, be subject to a penalty under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before a juvenile judge for appropriate proceedings. (Ord. #1969, Dec. 1993)

8-221. <u>Investigation of applicants, agents and/or employees</u>. Applicants for, and holders of retail permits under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the beer board may require. (Ord. #1969, Dec. 1993)

8-222. <u>Prohibited conduct or activities by beer permit holder</u>. It shall be unlawful for any beer permit holder to:

(1) Employ any person in the distribution or sale of beer who, within the previous ten (10) years, has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude.

(2) Employ any person under eighteen (18) years of age in the sale or dispensing of beer or intoxicating liquors at retail for consumption on the premises. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any person shall be upon the holder and operator of such place of business.

(3) Make of allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week except on Sunday between the hours of 3:00 A.M. and 12:00 noon on Sunday, provided, however, with the exception of Sunday the sale of package beer or intoxicating liquors shall be allowed after 6:00 A.M. on any day of the week.

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

(5) Make or allow any sale of beer or intoxicating liquors, or make, cause or allow to be made any gift thereof to a person under twenty-one (21) years of age, or permit such sale by an employee or any person in any way connected with his place of business. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he shall be held strictly accountable for all acts of his employees.

(6) Allow any minor to loiter in his place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he shall be held strictly accountable for any actions of his employees for the violation of this provision.

(7) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, to any intoxicated person.

(8) Allow drunk or intoxicated persons to loiter on his premises.

(9) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women in facilities selling beer or intoxicating liquors for consumption on the premises.

(10) Allow any sale or delivery of beer or intoxicating liquors for consumption on the premises outside the building occupied by the holder of the permit, except for all decks, patios, enclosed tents and other outdoor serving areas that have direct access to the building and that are contiguous to the exterior of the building in which the business is located and that are operated by the business. Further, a beer permit holder for the sale of package beer may not deliver said beer.

An additional exception exists for facilities whose primary business is serving food, provided such business is located in the central business district, as defined by the zoning ordinance. Such facilities covered by this exception may provide the outdoor sale or delivery of beer or intoxicating liquors for consumption on the premises so long as the location is contiguous to the primary structure and barricaded to ensure that access may only be made through the host facility and not by any other means.

Such facilities covered by this exception may also occupy portions of the public right-of-way, namely sidewalks, so long as access requirements are met and a minimum right-of-way width of five feet (5') is continuously maintained for public travel on such sidewalks at all times.

(11) The owner or operator shall be held strictly accountable for any actions of his employees which violate any of the above provisions. (Ord. #1969, Dec. 1993, as amended by Ord. #3467, July 2002, Ord. #3679, May 2007, and Ord. #3929, Nov. 2012)

8-223. <u>Suspension and revocation of beer permits</u>. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for violation of any provision of the state beer laws or any provision of this chapter. Suspension or revocation proceedings may be initiated by any interested person, by the chief of police, or any member of the police force of the City of Columbia or by any member of the Beer Board of the City of Columbia. The board is vested with full and complete power to investigate any charges against any permit holder and to cite any permit holder to appear and show just cause why his permit should not be suspended or revoked. In addition, the board can designate the Columbia Police Department to conduct any such investigations.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and fated with the secretary of the board. When the chairman of the beer board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the chairman of the beer board is authorized to notify the permit holder of said violations, and to cite said permit

holder by written notice to appear at a regular or special meeting of the beer board and show cause why his or her permit should not be suspended or revoked for such violations. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permit holder either by certified mail, return receipt requested or by a member of the police department of the City of Columbia. The notice shall be served upon the permit holder at least five (5) days before the date of the hearing.

After such hearing the board may, in its discretion, suspend or revoke said permit. The board may, at the time it imposes a suspension or revocation, offer a permit holder the alternative of paying a civil penalty not to exceed $1,500 for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed $1,000 for any other offense. If a civil penalty is offered as an alternative to suspension or revocation, the holder shall have seven (7) days within which to pay the civil penalty before the suspension or revocation shall be imposed. If the civil penalty is paid within that time, the suspension or revocation shall be deemed withdrawn. The holder's payment of a civil penalty shall not affect his or her right to review by the courts as hereinafter set forth. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer law. When a permit is revoked, now new permit shall be issued hereunder for the sale of beer to the permit holder until the expiration of one (1) year from the date such revocation becomes final.

At any hearing held pursuant to this chapter for the suspension or revocation of a beer permit, the hearing shall be broad in character and evidence may be heard upon any facts or circumstances to or applicable to the charges made in the complaint. The reputation and character of the place in question and of the operator and the employees thereof or the holder of the permit complained of shall be material and competent for the consideration of the board at such hearing. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007)

8-224. <u>City business license</u>. Each applicant granted to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the city recorder of the City of Columbia, Tennessee, a city business license as provided in the <u>Tennessee Code Annotated</u>, and shall on any annual inspection provide evidence that the current business license has been issued. (Ord. #1969, Dec. 1993)

8-225. <u>Privilege tax</u>. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer in the city a privilege tax of $100. Any person, firm, corporation, joint-stock company, syndicate or association engaged in selling, distributing, storing or manufacturing beer shall remit the tax on January 1, 1994, and each successive January 1 to the city. The tax shall be remitted to the city recorder as identified in the notice

hereinafter designated. The city shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the city recorder shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the permit shall be void. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

The city may utilize these tax funds for any public purpose. (Ord. #1969, Dec. 1993)

8-226. Notice requesting information. On or before September 1, 1993, the beer board shall mail written notice to each person holding a beer permit as of August 1, 1993, requesting the information required by § 8-212 of this chapter. If the permit holder does not respond within thirty (30) days after the written notice is mailed, then the beer board shall notify the permit holder by certified mail that a response is due. If a permit holder does not respond within ten (10) days after receiving notice by certified mail, then the permit shall be void. (Ord. #1969, Dec. 1993)

8-227. Penalties for violations. Any person, firm, corporation, joint-stock company, syndicate or association engaged in the sale, distribution or manufacture of beer without the permit required by this chapter shall be guilty of a Class A misdemeanor.

Upon the conviction of any permit holder for the violation of any provision of this chapter or the beer laws of the State of Tennessee, the municipal judge shall have the authority to suspend the beer permit for a period of not to exceed thirty (30) days upon the recommendation of the chief of police. This authority granted to the municipal judge shall in no way affect or limit the suspension and revocation authority of the beer board as set forth in the above, but is supplementary thereto. The municipal judge shall have like authority to suspend a permit for a period not to exceed thirty (30) days when any employee of the holder thereof is convicted as provided in § 8-223. (Ord. #1969, Dec. 1993)

8-228. Employees liable for violations. Any employee of any permit holder who violates the provisions of this chapter or an provision of the State Beer Act while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable under the general penalty clause of this code. (Ord. #1969, Dec. 1993)

8-229. <u>Notice to be given of permit suspension or revocation</u>. The board shall cause the secretary to notify the chief of police or all interested wholesalers of the suspension or revocation of any permit. (Ord. #1969, Dec. 1993)

8-230. <u>Application fee for sale of beer</u>. Each applicant for a beer permit shall be required to pay an application fee of $250 to the city recorder upon the filing of an application. No portion of the fee shall be refunded to the applicant notwithstanding whether an application is approved or denied. (Ord. #1969, Dec. 1993)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. TEMPORARY VENDING PERMITS.
6. CABLE TELEVISION.
7. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1968 Code, § 5-101)

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[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.[1]

SECTION

9-201. Permit required.
9-202. Exemptions.
9-203. Application for permit.
9-204. Issuance or refusal of permit.
9-205. Appeal.
9-206. Loud noises and speaking devices.
9-207. Use of streets.
9-208. Exhibition of permit.
9-209. Policemen to enforce.
9-210. Revocation or suspension of permit.
9-211. Reapplication.
9-212. Term, expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (Ord. #3494, April 2003)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1968 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) Name and physical description of applicant.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

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[1]Municipal code references
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph at least two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of fifty dollars ($50.00) shall be paid to the city to cover the cost of issuing the permit and investigating the facts stated therein. (1968 Code, § 5-203, as amended by Ord. #3494, April 2003)

9-204. <u>Issuance or refusal of permit</u>. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city recorder shall issue a permit upon the payment of all applicable privilege taxes and/or fees. The city recorder shall keep a permanent record of all permits issued. (1968 Code, § 5-204, as amended by Ord. #3494, April 2003)

9-205. <u>Appeal</u>. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the recorder within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant (applicant). The notice

shall be in writing and shall be mailed, postage prepaid, to the appellant (applicant) at his or her last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. #3494, April 2003)

9-206. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1968 Code, § 5-207)

9-207. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1968 Code, § 5-208)

9-208. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1968 Code, § 5-209)

9-209. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1968 Code, § 5-210)

9-210. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement or statements contained in the application for permit, or made in the course of carrying on the business of permittee;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

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

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (Ord. #3494, April 2003)

9-211. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1968 Code, § 5-212)

9-212. Term, expiration and renewal of permit. Permits issued under the provisions of this chapter shall automatically expire at the end of thirty (30) days from the date of issuance. Any applications for renewal shall be made substantially in the same form as an original application, including the payment of an additional fifty dollar ($50.00) fee. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (Ord. #3494, April 2003)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.
9-302. Application requirements.
9-303. Exclusions.
9-304. Processing charitable solicitation applications.
9-305. Solicitation regulations.
9-306. Review of solicitation.
9-307. Revocation or suspension of permits.
9-308. Penalty.

9-301. Permit required. It shall be unlawful for any person, firm, or corporation, representing or pretending to represent, directly or indirectly, or using the name of any lodge, club, charitable, philanthropic, educational, patriotic, political, or labor organization, or any other association or society, to solicit, either personally, by letter, or by telephone, funds from the public for any public dance, entertainment, charity, advertising scheme, or similar purpose, through the sale of tickets, tags, contributions, advertising or any other method for alleged welfare purposes, without having first procured a permit to do so from the city manager or his designated representative. (1968 Code, § 5-301)

9-302. Application requirements. The application shall be in writing and shall contain the following information, to-wit:

(1) The name and address of the person, association, or corporation making said application, and if an association or corporation there must accompany said application the certificate or resolution of authorization from its governing board.

(2) The name of the organization or society for whose benefit such solicitation and promotion is carried on, together with the names and addresses of the president and secretary, the location of the rooms or meeting place thereof, and a certificate or resolution of such organization consenting to the enterprise and the gross amount of funds to be raised.

(3) The nature of the entertainment or enterprise proposed, the date and place thereof, the general plan of organization, the price of tickets, tags, subscriptions, and contributions, and the plan and methods to be followed in the sale or solicitation thereof.

(4) The method of distribution of the funds or proceeds from any such undertaking, including the names of the promoters and the organization or organizations represented, or under whose auspices the enterprise is conducted

or purported to be conducted and the respective percentages or amounts to be distributed or allotted to each.

(5) The names and addresses of five bona fide residents of the City of Columbia as references. (1968 Code, § 5-302)

9-303. <u>Exclusions</u>. This chapter shall not apply to the solicitation of funds by sale of tickets or otherwise for enterprises conducted by an organization when such solicitation is restricted and confined entirely to the members of such organization, and the entire proceeds derived from such solicitation go and belong to such organization. (1968 Code, § 5-303)

9-304. <u>Processing charitable solicitation applications</u>. Each applicant shall submit completed applications that will be filed with the city manager of the City of Columbia not less than one day prior to the date the solicitation is scheduled to be conducted. (1968 Code, § 5-304)

9-305. <u>Solicitation regulations</u>. Solicitations shall be conducted only by those persons or organizations identified in the solicitation permit. Each person soliciting shall have adequate identification, so that any person may conveniently be informed of the organization soliciting and the purpose of the solicitation. Solicitors shall not interfere with traffic or pedestrian movement. Handbills or tracts may be offered, but if offered, the soliciting organization shall be responsible for the litter caused by any handbills or tracts which it distributes in the City of Columbia. It is further prohibited for any solicitations to be conducted by the use of roadblocks or standing in the streets stopping cars or approaching cars while stopped in streets in conducting a solicitation. (1968 Code, § 5-305)

9-306. <u>Review of solicitation</u>. After each solicitation conducted in the city, the city manager shall review the conduct of the campaign from the police department, sanitation division, or any members of the public. Any adverse information shall be immediately reported to the organization which conducted the solicitation. Such information shall be retained by the city manager and reviewed by him prior to issuing any subsequent solicitation permits. Where the city manager declines to issue a solicitation permit, the applicant may refer his application to the city council who may issue the permit under such conditions as the council shall determine. (1968 Code, § 5-306)

9-307. <u>Revocation or suspension of permits</u>. Any charitable solicitation permit may be revoked or suspended by the city manager when it is determined that the soliciting organization is guilty of any fraud or misrepresentation. (1968 Code, § 5-307)

9-308. <u>Penalty</u>. Any person or persons, organizations, corporations, associations or others soliciting funds without a permit or violating any of the terms or conditions of this chapter shall be guilty of a misdemeanor. (1968 Code, § 5-308)

CHAPTER 4

TAXICABS[1]

SECTION

9-401. License required.
9-402. Definition.
9-403. Character of applicant.
9-404. Fee.
9-405. Vehicles.
9-406. Drivers.
9-407. Insurance.
9-408. Traffic rules.
9-409. Unlawful use.
9-410. Passengers.
9-411. Cessation of business and transfer of license.
9-412. Taxicab driver's license.
9-413. Fee.
9-414. Qualifications.
9-415. License revoked.
9-416. Penalty.

9-401. License required. It shall be unlawful to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for such licenses shall be made in writing to the recorder, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. (Ord. #1929, May 1993)

9-402. Definition. The term "taxicab" as used in this section shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route. (Ord. #1929, May 1993)

9-403. Character of applicant. No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony or a crime involving moral turpitude within the previous eight (8) years prior to the filing of his or her application; nor shall such license

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[1]Municipal code reference
Privilege taxes: title 5.

be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions. (Ord. #1929, May 1993)

9-404. Fee. The annual fee, payable in advance, for such licenses shall be five dollars ($5.00) plus one dollar ($1.00) for each taxicab operated. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the recorder of such change and shall pay the additional fee.

The recorder shall issue suitable tags or stickers for the number of cabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service.

The licensee shall notify the recorder of the motor number and Tennessee license number of each cab operated and of the corresponding city tag or sticker number. (Ord. #1929, May 1993)

9-405. Vehicles. No taxicab shall be operated unless it bears a state license duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear view mirrors both inside and outside the vehicle and windshield wipers, all in good condition. It shall be the duty of the chief of police or his or her designee to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

Each taxicab, while operated, shall have on each side, in letters readable from a distance of at least twenty feet, the name of the licensee operating it. If more than one cab is operated by a licensee each cab shall be distinguished by a different number, and such number also shall so appear on each side of such cab. (Ord. #1929, May 1993)

9-406. Drivers. No person shall drive a taxicab, or be hired or permitted to do so, unless he or she is duly licensed by state law to carry passengers for hire.

It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use any profane or obscene language, to shout or call to prospective passengers or to disturb the peace in any way. (Ord. #1929, May 1993)

9-407. Insurance. No taxicab shall be operated unless it is covered by liability insurance in the minimum amount required by state law. (Ord. #1929, May 1993)

9-408. **Traffic rules**. It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. (Ord. #1929, May 1993)

9-409. **Unlawful use**. It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor. (Ord. #1929, May 1993)

9-410. **Passengers**. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab so long as such person does not pose a threat to the driver's life or property and conducts himself or herself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of such passenger.

The driver shall take the passenger to his or her destination by the most direct available route from the place where the passenger enters the cab unless the passenger directs otherwise. (Ord. #1929, May 1993)

9-411. **Cessation of business and transfer of license**. The license of any licensee shall be surrendered when such licensee ceases to do business as a taxicab business. No license may be transferred by any licensee to another person. (Ord. #1929, May 1993)

9-412. **Taxicab driver's license**. In addition to the license provided for above, no person shall drive a taxicab unless he or she shall have secured a license therefor as herein provided. (Ord. #1929, May 1993)

9-413. **Fee**. The annual fee for a taxicab driver's license shall be five dollars ($5.00). (Ord. #1929, May 1993)

9-414. **Qualifications**. No such license shall be issued to any person who is not competent to operate a motor vehicle or who is not familiar with the traffic laws and ordinances. Before issuing a taxicab driver's license the chief of police or his or her designee shall determine to his or her satisfaction that said applicant is competent to operate a taxicab. The minimum requirement for a taxicab driver is that he possess the required state driver's license to carry passengers for hire. (Ord. #1929, May 1993)

9-415. **License revoked**. The city manager or the police chief may revoke any taxicab driver's license for repeated violations of traffic laws or any violation of the requirements of any section contained herein. (Ord. #1929, May 1993)

9-416. <u>Penalty</u>. Any person, firm or corporation violating any provision of this chapter shall on conviction be fined not less than five dollars nor more than fifty dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation continues or occurs. (Ord. #1929, May 1993)

CHAPTER 5

TEMPORARY VENDING PERMITS

SECTION

9-501. Temporary vending permit.
9-502. Application for permit.
9-503. Loud noises and speaking devices.
9-504. Use of streets.
9-505. Exhibition of permit.
9-506. Policeman to enforce.
9-507. Revocation or suspension of permit.
9-508. Reapplication.
9-509. Expiration of permit.
9-510. Exceptions.

9-501. Temporary vending permit. It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to set up any booth, trailer, tent or other temporary vending operations where products of any kind are to be sold within the corporate limits of the City of Columbia, without first obtaining a temporary vending permit in compliance with the provisions of this chapter. (Ord. #3495, April 2003)

9-502. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit;

(2) The complete home address and local address of the applicant;

(3) A brief description of the location where such applicant intends to locate the temporary vending business;

(4) A brief description of the nature of the business and the products to be sold;

(5) The date and length of time for which the right to do business is desired;

(6) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility;

(7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and the punishment and penalty assessed therefore;

(8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities;

(9) At the time of filing the application, a fee of fifty dollars ($50.00) shall be paid to the city to cover the cost of issuing such permit and investigating the facts stated in such application. (Ord. #3495, April 2003)

9-503. Loud noises and speaking devices. No permittee, nor any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the City of Columbia or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (Ord. #3495, April 2003)

9-504. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (Ord. #3495, April 2003)

9-505. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. #3495, April 2003)

9-506. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #3495, April 2003)

9-507. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager on due notice to applicant for any of the following causes:

(a) Fraud, misrepresentation or incorrect statement or statements contained in the application for permit, or made in the course of carrying on the business of such permittee;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. #3495, April 2003)

9-508. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. #3495, April 2003)

9-509. Expiration of permit. Permits issued under the provisions of this chapter shall expire on the date written on such permit, with such permits to be effective for a period of no longer than three (3) days. (Ord. #3495, April 2003)

9-510. Exceptions. Pursuant to Tennessee Code Annotated, § 62-30-104, this chapter does not apply to:

(1) Any corporation, community chest, fund, and other foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes of which no part of the new earnings benefits any private shareholder or individual;

(2) State fairs, arts and crafts fairs, and other fairs and festivals conducted primarily for amusement and entertainment;

(3) Wholesale trade shows;

(4) The sale of agricultural or handcrafted products;

(5) A person who operates a permanent business, occupies temporary premises and prominently displays the business name and address while business is conducted from the temporary premises; or

(6) Flea markets. (Ord. #3495, April 2003)

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the City of Columbia and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Columbia and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.[1]

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[1]For complete details relating to the cable television franchise agreement see Ord. #1760 dated January, 1991, and Ord. #3486, dated February 2003, and amendments thereto, in the office of the city recorder.

CHAPTER 7

YARD SALES

SECTION

9-701. Permitting of yard sales.
9-702. Application requirements.
9-703. Fee.
9-704. Use of streets.
9-705. Term and renewal of permits.

9-701. Permitting of yard sales. It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to conduct a yard sale in the City of Columbia without first obtaining from the City of Columbia a permit to conduct said yard sale. (Ord. #3496, April 2003)

9-702. Application requirements. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) The names and addresses of the persons, firms, corporations, partnerships, associations or other organizations wishing to conduct said sail;

(2) The exact location where the yard sale is to occur;

(3) The time and dates for such sale;

(4) A basic description of the types of products to be sold. (Ord. #3496, April 2003)

9-703. Fee. At the time of filing the application a fee of five dollars ($5.00) shall be paid to the city to cover the cost of issuing such permit. (Ord. #3496, April 2003)

9-704. Use of streets. No permittee shall have any exclusive right to any location in the public streets nor shall any be permitted a stationary location thereon nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (Ord. #3496, April 2003)

9-705. Term and renewal of permits. Yard sale permits shall be effective for a period not to exceed two (2) consecutive days and such effective dates shall be stated on the permit. Only two (2) yard sale permits shall be

allowed at the same location within a calendar year. (Ord. #3496, April 2003, as replaced by Ord. #3671, Dec. 2006)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION

10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, etc., to be provided.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Cruel treatment prohibited.
10-107. Seizure and disposition of animals.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1968 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the city manager. The city manager shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not endanger the public health.

Any permit issued by the city manager shall be revoked by him when he has reasonable cause to believe that the public health will be endangered by allowing such permit to continue in effect.

Any person aggrieved by the city manager's action in granting, refusing, revoking, or failing to revoke any permit as provided in this section may appeal to the city council. (1968 Code, § 3-102)

10-103. <u>Pen or enclosure to be kept clean</u>. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1968 Code, § 3-103)

10-104. <u>Adequate food, water, and shelter, etc., to be provided</u>. No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. (1968 Code, § 3-104)

10-105. <u>Keeping in such manner as to become a nuisance prohibited</u>. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1968 Code, § 3-105)

10-106. <u>Cruel treatment prohibited</u>. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1968 Code, § 3-106)

10-107. <u>Seizure and disposition of animals</u>. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer, by any police officer, or by the county rabies control officer and confined in the county animal pound.

Impounded animals shall be returned to the owner or otherwise disposed of in accordance with such rules and regulations as are applicable to animals impounded by the county.

In the event the city impounder apprehends any animal found running at large, in violation of Title 10 of the Municipal Code of the City of Columbia, Tennessee, the animal may be disposed of by adoption or euthanization. Said adoption or euthanization shall in no event occur less than three (3) days after apprehension of said animal by the impounder.

If a dog found running at large is wearing tags as required by § 10-202 or if the impounder or shelter designee has knowledge of the owner of any animal, impounded, the impounder or shelter designee shall notify said owner by telephone or letter of the date said animal is scheduled to be placed for adoption or euthanized. The impounder or shelter designee shall use their best efforts to determine the owner of such animal. In the event the impounder or shelter designee after using their best efforts are still unable to determine the identity of the owner of said animal, no further notice beyond the provisions of this section shall be required prior to said action. (1968 Code, § 3-107, as amended by Ord. #3248, Aug. 1998)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Terms defined.
10-202. Licensing.
10-203. Tag and collar.
10-204. Restraint notice.
10-205. Impoundment.
10-206. Redemption of impounded animals.
10-207. Impoundment fees.
10-208. Rabies control.
10-209. Reports of bite cases.
10-210. Responsibilities of veterinarians.
10-211. Animal shelter.
10-212. Exemptions.
10-213. Cruel or inhumane treatment.
10-214. Interference.
10-215. Records.
10-216. Violations/penalty.
10-217. Appeals procedure.

10-201. Terms defined. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Leash" shall mean any cord, chain, rope, thong or other device affixed to a dog or cat used to restrain the movement of the dog or cat, in which cord, chain, rope, thong or other restraining device is no greater than fifteen (15) feet in length.

(2) "Owner" shall mean any person, firm, business, corporation or other entity having a right of property in either a dog or cat, or who keeps or harbors a dog or cat, or who has a dog or cat in his care or custody, or who permits a dog or cat to remain on or about any premises which are owned, rented, and/or leased by such person, firm, business, corporation or other entity.

(3) "Premises" shall mean any real property titled in the name of or held in fee by or rented or leased to the owner of a dog or cat.

(4) "Public nuisance" means any animal which:

(a) Molests passerbys or passing vehicles;
(b) Attacks other animals;
(c) Trespasses on school grounds or private property;
(d) Is repeatedly at large;

(e) Damages private or public property; or

(f) Barks, whines, howls or makes any noise natural to its species in an excessive, continuous or untimely fashion, so as to disturb the peace.

(5) "Running at large" shall mean a dog or cat who is off the premises of the owner and that is not under the control of an owner or some other person on behalf of the owner by leash as defined herein.

(6) "Vicious dog" shall mean a dog that has bitten, maimed or killed one or more human beings or other domestic animals in one or more unprovoked attacks. A dog is also considered to be vicious that has been or is enrolled in a program which trains such dog to attack upon command, signal or reflex and to guard, protect or patrol premises, including a dog used as an attack, search and security dog or any law enforcement agency. Attacks by dogs resulting in bites, maiming and killings are presumed to be unprovoked unless otherwise shown. (Ord. #3550, May 2004)

10-202. Licensing. (1) No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat is licensed as herein provided. Written application for such license shall be made to the city recorder, or such agents as shall be designated by the city manager, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. A license fee shall be paid at the time of making application in the amount of five dollars ($5.00) per dog or cat (with the exception of kennels as outlined in § 10-202(3), a numbered receipt shall be given to the applicant, and a numbered tag shall be issued to the owner.

(2) The five dollar ($5.00) license fee shall apply to each dog or cat over the age of six (6) months and shall be applicable for a period of one (1) year.

(3) Every person, group of persons, or corporations, engaged in the commercial business of buying, selling, breeding, or boarding, or who owns, harbors, or keeps four (4) or more dogs or cats in a kennel, shall pay a license fee in the amount of twenty dollars ($20.00), unless they elect to license each individual dog or cat as provided for in § 10-202(1) above.

(4) All dog or cat licenses and kennel licenses shall be issued for a period of one (1) year.

(5) Application for such license shall be accompanied by proof of vaccination of the animal for rabies effective for the period for which such application is made, and no license shall be issued for a period longer than until the last day of the month in which the effective period of vaccination expires. If the effective period of vaccination is less than one (1) year from the date of the issuance of such license, the fee shall be prorated and such license shall be issued to cover the remaining effective period of the vaccination.

(6) In the event a license tag issued for a dog or cat is lost, the owner may obtain a replacement tag upon the payment of a replacement tag fee in the amount of two and 50/100 dollars ($2.50).

(7) If there is a change in ownership of a dog or cat or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of cash transfer fee in the amount of five dollars ($5.00) per dog or cat, with a maximum fee of twenty dollars ($20.00) for a kennel.

(8) No person shall use for any dog or cat a license receipt or license tag issued for another dog or cat. (Ord. #3550, May 2004)

10-203. Tag and collar. (1) Upon complying with the provisions of § 10-201, there shall be issued to the owner a numbered tag.

(2) Every owner is required to see that the tag is securely fastened to the dog's or cat's choke chain, collar, or harness which must be worn by the dog or cat at all times unless the dog or cat is accompanied by its owner and engaged in hunting or other sporting activities where a collar might endanger is safety. (Ord. #3550, May 2004)

10-204. Restraint notice. (1) It shall be unlawful for an owner to keep, harbor or permit on or about the premises of such owner any dog that is a public nuisance.

(2) Every female dog or cat in heat shall be kept confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with a male dog or cat except for planned breeding.

(3) It shall be unlawful for any owner to own, keep, harbor or maintain on or off his premises any vicious dog unless such dog is within the owner's house, in a secure enclosure, securely muzzled, or otherwise securely confined to an area so as to prevent contact with other animals and persons.

(4) It shall also be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog without posting notice on the premises in an area in plain view to the general public that a vicious dog is on the premises. (Ord. #3550, May 2004)

10-205. Impoundment. (1) Unlicensed dogs or cats found running at large, public nuisance animals and vicious dogs not properly restrained as provided herein, shall be picked up by the animal control officer or other police officer designated by the chief of police or the city manager, impounded in the animal shelter and there confined in a humane manner. If not retrieved by their owner or adopted, all licensed animals shall be euthanized after a period of ten (10) working days following personal notification of the owner or notification of such owner by mail. All unlicensed animals shall be housed at

such shelter for a minimum period of three (3) working days and shall be euthanized after a maximum period of five (5) working days.

(2) Title to all animals held at the animal shelter may be transferred to any person deemed suitable and responsible after the legal detention period has expired and the animal has not been claimed by its owner. In the event of such transfer of title, it is expressly understood that the new owner shall pay for each such animal's board until it shall be removed from the animal shelter.

(3) When dogs or cats are found running at large and their ownership is known to the animal control officer, such dogs or cats need not be impounded, but the animal control officer may, at his discretion, cite the owners of such dogs or cats to appear in court to answer charges of violation of this chapter. The animal control officer shall take into consideration whether or not the dog or cat has previously been reported as a public nuisance, the rabies season and any other relevant information.

(4) Immediately upon impounding dogs or cats, the animal shelter shall make every reasonable effort to notify the owners of such dogs or cats so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

(5) Animals other than dogs and cats may be impounded when found running at large within the city limits and disposed of in accordance with the law.

(6) No unspayed female dog or cat which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to thereafter abide by the provisions of this chapter and to have such female spayed. (Ord. #3550, May 2004)

10-206. <u>Redemption of impounded animals</u>. (1) The owner shall be entitled to resume possession of any impounded dog or cat or other animals, upon compliance with the license provisions in § 10-202 and the payment of impoundment fees provided for under this chapter. Proof of ownership must be given, which may include a license receipt, affidavits of neighbors, a photograph, etc.

(2) Any animal impounded under the provisions of this chapter and not reclaimed by its owner within the allotted times, may be humanely destroyed by the animal shelter or have its title transferred to or placed in the custody of some person deemed to be a responsible and suitable owner as provided for herein, who will agree to comply with the provisions of this chapter and such other regulations as shall be fixed by the city. (Ord. #3550, May 2004)

10-207. <u>Impoundment fees</u>. Any animal impounded may be reclaimed as provided by this chapter upon payment by the owner to the animal shelter of such a fee and board costs as may from time to time be established by the

shelter or by resolution of the city council, as well as the payment of any applicable license fees. (Ord. #3550, May 2004)

10-208. <u>Rabies control</u>. (1) (a) It shall be the duty of every owner to have his dog or cat vaccinated against rabies after the dog reaches three (3) months of age or the cat reaches six (6) months of age. Regardless of the type of licensed vaccine used or the age of the animal at the time of the first (primary) vaccination, the animal shall be revaccinated one (1) year later. Following the first two (2) vaccinations, booster vaccinations will be due at intervals in accordance with the approved duration of immunity of the specific vaccine used and the species vaccinated. The required due date for revaccination shall be placed on the certificate by the veterinarian administering the vaccine. For purposes of animal control programs and medical decisions regarding human anti-rabies treatments, a dog or cat shall be considered currently vaccinated only if a valid certificate exists and the revaccination date on the certificate has not been reached.

(b) Every animal or rodent, which bites a person, shall be promptly reported to the animal control officer and shall thereupon be securely quarantined at the direction of the animal control officer for a period of ten (10) days and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer such quarantine may be on the premises of the owner, at the animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the animal shelter.

(2) The owner upon demand by the animal control officer shall forthwith surrender any animal, which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of the required fees and upon compliance of the licensing provisions set forth in this chapter.

(3) When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the animal control officer shall immediately send such animal to the state health department for pathological examination, and shall identify the proper public health officer of the city of the diagnosis.

(4) When one or both reports indicate a positive diagnosis of rabies, the animal control officer shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such quarantine, no pet animal shall be taken into the streets or permitted to be in the streets during such period of

quarantine. During such quarantine, no animal may be taken or shipped from the city without written permission of the animal control officer.

During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the local health officer shall require that all dogs or cats, three (3) months of age and older, shall be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the local health officer. All vaccinated dogs or cats shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the local health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction.

No dog or cat which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted by the animal shelter during the period of rabies emergency quarantine, except by special authorization of the local health officer and the animal control officer.

(5) Dogs or cats bitten by a known rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel for six (6) months shall be enforced. If the dog or cat has been previously vaccinated, within time limits established by the local health officer or public health service based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(6) In the event there are additional cases of rabies occurring during the period of the quarantine, such period of the quarantine may be extended for an additional six (6) months.

(7) No person shall kill, or cause to be killed, or remove from the city limits, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human except as herein provided, without written permission from the animal control officer.

(8) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

(9) The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(10) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control officer.

(11) Each and every provision of this chapter relative to rabies control shall be applicable to all animals and rodents and the owners thereof in the City of Columbia. (Ord. #3550, May 2004)

10-209. Reports of bite cases. It shall be the duty of every physician or other medical practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. #3550, May 2004)

10-210. Responsibilities of veterinarians. It shall be the duty of every licensed veterinarian to report to the animal control officer any animal considered by him to be a rabies suspect. (Ord. #3550, May 2004)

10-211. Animal shelter. For the purpose of carrying this chapter into effect there is hereby established an animal shelter. (Ord. #3550, May 2004)

10-212. Exemptions. (1) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where expressly stated.

(2) The licensing and vaccination requirements of this chapter shall not apply to any dog or cat belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, provided all such dogs or cats shall at all times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owner. (Ord. #3550, May 2004)

10-213. Cruel or inhumane treatment. It shall be unlawful for any owner or any other person to treat a dog or cat in a cruel or inhumane manner. After obtaining appropriate warrants the animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it is required to insure humane treatment of such animal. (Ord. #3550, May 2004)

10-214. Interference. No person shall interfere with, hinder or molest the animal control officer in the performance of any duty imposed by this chapter or seek to release any animal in the custody of the animal control officer except as herein provided. (Ord. #3550, May 2004)

10-215. Records. (1) It shall be the duty of the animal control officer and/or the animal shelter to keep or cause to be kept accurate and detailed records of the licensing, impoundment and disposition of all animals coming into custody of such shelter.

(2) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all bite cases reported to him, and his investigation of same.

(3) It shall be the duty of the city recorder to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the city and coming into her hands from fees imposed by the chapter or the resolutions passed pursuant thereto, as is required as to other moneys coming into her hands as such city recorder. (Ord. #3550, May 2004)

10-216. Violations/penalty. Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00). (Ord. #3550, May 2004)

10-217. Appeals procedure. Any owner who wishes to appeal any decision made by the animal control officer shall appeal such decision in writing to the city recorder's office. Upon receipt of such written appeal, a time shall be set for the City of Columbia Police Chief, the animal control officer and the city manager to hear such appeal. (Ord. #3550, May 2004)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this municipality also. Any violation of any such law within the corporate limits is also a violation of this section. (1968 Code, § 10-101)

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

CHAPTER 2

ALCOHOL[1]

SECTION

11-201. Drinking beer, etc., on streets, etc.
11-202. Minors in beer places.

11-201. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a permit and license for on premises consumption of such beverage. (1968 Code, § 10-228)

11-202. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, or work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1968 Code, § 10-222)

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[1]Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
State law reference
See Tennessee Code Annotated, § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1968 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

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

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1968 Code, § 10-202)

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

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

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

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

Loud sound amplification systems in vehicles shall also be prohibited.

(i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle to that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) `Sound amplification system' means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(iii) `Plainly audible' means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on a direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(A) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(B) The vehicle was an emergency or public safety vehicle;

(C) The vehicle was owned and operated by the City of Columbia or a gas, electric, communications or refuse company; or

(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Maury County Fair or any activities which have the approval of the city manager or the council or a department of the city authorized to grant such approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1968 Code, § 10-233, as amended by Ord. #1947, June 1993)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1968 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1968 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1968 Code, § 10-217)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1968 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1968 Code, § 10-214)

11-603. Weapons and firearms generally. (1) It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality.

(2) It shall also be unlawful for any unauthorized person to discharge a firearm within the corporate limits of the City of Columbia. Turkey shoots or similar contests may be authorized by the chief of police and/or the city manager, when held for limited periods, at specific locations, by bona fide non-profit organizations for the raising of funds when such shoots are held in a safe manner with an adequate backstop.

(3) The chief of police and/or the city manager may authorize firearms qualification/training for area law enforcement officers and others under their

direction within the corporate limits of the City of Columbia. (1968 Code, § 10-212)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing on trains.
11-702. Interference with traffic.

11-701. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1968 Code, § 10-221)

11-702. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1968 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.
11-802. Caves, wells, cisterns, etc.
11-803. Unauthorized utility taps, etc.
11-804. Fireworks.
11-805. Wearing masks.
11-806. Aiding and abetting.
11-807. False reports or prank calls.
11-808. Curfew for minors.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1968 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1968 Code, § 10-231)

11-803. Unauthorized utility taps, etc. It shall be unlawful for any person, without lawful authority, to tap, tie on to, or in any other way interfere with or tamper with any electric, water, gas, telephone, sewer or other utility line, meter, or other facility. (1968 Code, § 10-235)

11-804. Fireworks. It shall be unlawful for any person to cast, throw, or fire any squib, rocket, cracker, or other combustible fireworks on or in any public way or place or business house within the city. (1968 Code, § 10-236)

11-805. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of twelve (12) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city manager to wear a traditional holiday costume. (1968 Code, § 10-237)

11-806. Aiding and abetting. It shall be unlawful for any person to aid or abet another in violating any provision of this code. (1968 Code, § 10-239)

11-807. False reports or prank calls. It shall be unlawful for any person to make a prank telephone call or to report to a law enforcement officer or the local E-911 office an offense or incident:

(1) Knowing the offense or incident did not occur;

(2) Knowing the person reporting has no information relating to the offense or incidence; or

(3) Knowing the information relating to the offense is false.

Any person found guilty by the city court of violating the provisions of this section shall be guilty of a misdemeanor and punished accordingly. (Ord. #1893, Sept. 1992)

11-808. Curfew for minors. (1) It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or any unsupervised place within the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday, provided, however, that this section shall not apply to any minor accompanied by his or her parent, guardian or other adult person having the care and custody of said minor; any minor upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of said minor; a child attending or returning from a school or social function for which he or she has written permission in his or her possession from his or her parent, guardian or other adult person having the care and custody of said minor; or any minor going to or returning from any legitimate employment.

(2) When any minor is apprehended for an apparent violation of this section, the apprehending officer shall, in his or her sole discretion, act in one of the following manners:

(a) Take the minor to his or her home and advise and counsel with the parents, guardians or other adult person having the care and custody of said minor and the reasons for said action.

(b) File an appropriate petition summoning the said minor and/or parents, guardians or other adult person having the care and custody of said minor to appear in the Juvenile Court of Maury County, Tennessee.

(c) Deliver the minor into custody of appropriate officials of the Juvenile Court of Maury County, Tennessee, for disposition.

(3) No parent, guardian or other person having the care and custody of a child under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots or any other unsupervised place in the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. Friday and Saturday, provided, however, that this shall not apply to a minor that falls within the exceptions set forth in paragraph (1) above.

(4) When any minor violates this section on a second or other subsequent occasion, the parent, guardian or other person having the care and custody of said minor shall be subject to the penalty provided in this section.

(5) Any parent, guardian or other person having the care and custody of a minor who is found guilty of the violation of either paragraph (3) or (4) of this section shall be subject to a fine of fifty dollars ($50.00) for each violation. (Ord. #1985, April 1994, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE AND SLUM CLEARANCE.
5. SWIMMING POOL CODE.
6. ONE AND TWO FAMILY DWELLING CODE.
7. MECHANICAL CODE.
8. GAS CODE.
9. ENERGY CODE.
10. OFFICE OF ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

BUILDING CODE[1]

SECTION

12-101. Building code adopted.
12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations.
12-105. Certificate of occupancy.
12-106. [Deleted.]
12-107. Permit fees.

12-101. Building code adopted. Pursuant to authority granted by § 6-54-501 et seq. of the Tennessee Code Annotated, and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to any building or structure, the International Building Code, 2012 edition, and the appendices specified in §12-102, as hereinafter amended, as prepared and adopted by the International

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

Code Council, are hereby adopted and incorporated by reference, as part of this code, and is hereinafter referred to as the building code.

Furthermore, the City of Columbia hereby adopts the ICC A117.1-2009 Standard for Accessible and Usable Buildings and Facilities and the 2012 editions of the Fuel Gas Code; International Mechanical Code; International Plumbing Code; International Property Maintenance Code; and the International Residential Code, including the appendices specified in § 12-102, with the exclusion of appendix L, section R313, and chapter 11. (Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, and Ord. #3973, April 2014)

12-102. Modifications. All appendices to the International Building Code, 2012 edition, except for appendix H, are adopted without amendment. Appendix H is not adopted.

All appendices to the International Residential Code, 2012 edition, except for appendix L are adopted without amendment. Appendix L, section R313 and chapter 11 are not adopted.

The following sections of the International Building Code, 2012 edition are amended as follows:

Section 101.1 Insert "City of Columbia, Tennessee"

Section 109.4 Delete "to a fee established by the building official" and insert "to an additional fee up to 300% of the usual permit fee."

Section 110.6 Insert at the end of this section "A reinspection fee of $50.00 shall be charged when a reinspection must take place due to failure of the previous inspection." The reinspection fee of $50.00 shall be paid prior to reinspection.

Section 1612.3 Insert "City of Columbia, Tennessee"

Section 1612.3 Insert "most recent F.I.R.M. map or letter of map revision for that area"

Section 3412.2 Insert (April 21, 1960)

The following sections of the International Residential Code, 2012 edition, are amended as follow:

Section R101.1 Insert "City of Columbia, TN"

Section R108.6 Delete "To a fee established by the applicable governing authority" and insert "To an additional fee up to 300% of the usual permit fee"

Section R109.4 Insert at the end of this section "A reinspection fee of $50.00 shall be charged when a reinspection must take place due to failure of the previous inspection." The reinspection fee of $50.00 shall be paid prior to reinspection.

(Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, and Ord. #3817, Aug. 2009, and Ord. #3973, April 2014)

12-103. Available in recorder's office. Pursuant to the requirements of § 6-54-502 of the Tennessee Code Annotated, a copy of the International

Building Code, 2012 edition, with the above modifications, will be made available in the city recorder's office and shall be kept there for use and inspection of the public. (Ord. #3469, July 2002, as replaced by Ord. #3657, April 2007, and Ord. #3973, April 2014)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (Ord. #3469, July 2002)

12-105. Certificate of occupancy. The City of Columbia Building Official is hereby authorized to withhold issuance of a certificate of occupancy for violation of any city ordinances, whether said applicant customer is within or outside the corporate limits of the City of Columbia, or for violation of any requirement of the Columbia Regional Planning Commission, or for violation of any regulations of the Maury County Health Department, or the State of Tennessee. The City of Columbia Building Official shall, as required in Ordinance No. 650, the same being the Zoning Ordinance of the City of Columbia, as amended, within three (3) days after the receipt of any application for a certificate of occupancy, either issue said certificate of occupancy or state the grounds for refusal to issue said certificate of occupancy in writing. (1968 Code, § 4-105, as amended by Ord. #1887, July 1992)

12-106. [Deleted.] (1968 Code, § 4-106, as deleted by Ord. #3973, April 2014)

12-107. Permit fees. The fees for building, plumbing, mechanical and gas permits shall be calculated according to the schedule of building permit fees, schedule of plumbing permit fees, schedule of mechanical permit fees, and schedule of gas permit fees which are incorporated herein by reference.[1] (1968 Code, § 4-107, as amended by Ord. #3118, Feb. 1997, and replaced by Ord. #3657, April 2007, and Ord. #3817, Aug. 2009)

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[1]The above-referenced fee schedules are available in the office of the city recorder.

CHAPTER 2

PLUMBING CODE[1]

SECTION

12-201. Plumbing code adopted.
12-202. Available in recorder's office.
12-203. Violations.
12-204. Sanitary sewage plumbing outside the external confines of a building.
12-205. Permit fees.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the Standard Plumbing Code,[2] 2000 edition, as prepared and adopted by the Southern Building Code Congress, and the attached appendices, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #3093, Sept. 1996, modified)

12-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #3093, Sept. 1996, modified)

12-203. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (Ord. #3093, Sept. 1996)

12-204. Sanitary sewage plumbing outside the external confines of a building. No building permit shall be issued before the Wastewater

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[1]Municipal code references
Cross connections: title 18.
Street excavations: title 16.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

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

Department Director has signed the Sewer Connection Permit or the Private Wastewater Disposal Permit for the proposed building. ((Ord. #3093, Sept. 1996)

12-205. <u>Permit fees</u>. Permit fees shall be as follows:

For issuing each permit $10.00

Plus the following when provided:

For each Plumbing Fixture, Floor Drain or Trap (including Water and Drainage Piping) . . . . . $ 2.50
For each House Sewer $20.00
For each House Sewer having to be replaced or repaired or reinspected $20.00
For each Septic Tank and Seepage Pit or Drainfield $10.00
For each Water Heater and/or Vent . . . . . $ 2.50
For installation, alteration or repair of water piping and/or water treating equipment . . . . . $ 5.00
For repair or alteration of Drainage or Vent Piping . . . . . $ 5.00
For Vacuum Breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served-
One to Five . . . . . $ 2.50
Over Five, each . . . . . $ 1.50

(Ord. #3093, Sept. 1996, modified)

CHAPTER 3

ELECTRICAL CODE[1]

SECTION

12-301. Electrical code adopted.
12-302. Available in recorder's office.
12-303. Permit required for doing electrical work.
12-304. Violations.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, rules and regulations of the Columbia Power System, based in part on the National Electrical Code,[2] are hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1968 Code, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within the City of Columbia until a permit therefor has been issued by the electrical inspector. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus or other electrical devices generally requiring the services of an electrician. (1968 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1968 Code, § 4-304)

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[1]Municipal code references
Fire protection, fireworks and explosives: title 7.

[2]Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

CHAPTER 4

HOUSING CODE AND SLUM CLEARANCE

SECTION

12-401. Definitions.
12-402. Finding that conditions set forth in Tennessee Code Annotated, § 13-21-102 exist.
12-403. Procedural provisions.
12-404. Powers given public officer by ordinance.
12-405. Housing code adopted.
12-406. Conditions rendering structure unfit for human occupation or use.
12-407. Service of complaints or orders.
12-408. Enjoining enforcement of order.
12-409. Chapter confers supplementary powers.
12-410. Available in the recorder's office.

12-401. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

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

(2) "Governing body" means the City Council of the City of Columbia, Tennessee;

(3) "Municipality" means the City of Columbia, Tennessee;

(4) "Owner" means the holder of the title in fee simple and every mortgagee of record;

(5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;

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

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

(8) "Public officer" means the officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinances and by this chapter; and

(9) "Structures" means any dwelling or place of public accommodation. (Ord. #1896, Nov. 1992)

12-402. Finding that conditions set forth in Tennessee Code Annotated, § 13-21-102 exist. Pursuant to Tennessee Code Annotated, § 13-21-102, the City Council of the City of Columbia, hereby finds that there exists within the City of Columbia, structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality.

The Standard Housing Code, 2000 edition, is hereby adopted and incorporated by reference as a part of this code. (Ord. #1896, Nov. 1992, as amended by Ord. #2089, July 1995, modified)

12-403. Procedural provisions. (1) A public officer shall be designated or appointed to exercise the powers prescribed by this chapter.

(2) Whenever a petition is filed with the public officer by a public authority, by the City of Columbia Housing Board of Adjustments and Appeals or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the City of Columbia Housing Board of Adjustments and Appeals at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complait.

(a) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City of Columbia Housing Board of Adjustments and Appeals.

(3) If, after such notice and hearing, the housing board of adjustments and appeals determines that the structure under consideration is unfit for human habitation, the housing board of adjustments and appeals shall state, in writing, their findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax record), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure as a human habitation; or

(b) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax records), requiring the owner, within the time specified in the order, to remove or demolish such structure.

If the individual property owner desires to repair, alter or improve said structure, it shall be such owner's responsibility to present reliable cost estimates to the housing board of adjustments and appeals verifying that such repairs, alterations or improvements can be made at a reasonable cost in relation to the value of the structure (under 75% of the value of the structure as stated in the City of Columbia property tax records).

(4) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed. The public officer may also cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use; the use or occupation of this building for human occupation or use is prohibited and unlawful."

(5) If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished.

(6) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien against the real property in favor of the municipality, second orly to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished

by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #1896, Nov. 1992, as amended by Ord. #3083, Aug. 1996, and Ord. #3389, Jan. 2001)

12-404. Powers given public officer by ordinance. The public officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine wittnesses and receive evidence;

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

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

(5) To delegate any of his or her functions and powers under this chapter to such officers and agents as he or she may designate. (Ord. #1896, Nov. 1992)

12-405. Housing code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of providing additional standards to guide the public officer and/or the City of Columbia Board of Housing Adjustments and Appeals in determining the fitness of a dwelling for human occupation or use, the Standard Housing Code[1] 2000 edition, as prepared and adopted by the Southern Building Code Congress International, Inc. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. #1896, Nov. 1992, modified)

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

12-406. <u>Conditions rendering structure unfit for human occupation or use</u>. The City of Columbia Housing Board of Adjustments and Appeals may determine that a structure is unfit for human occupation or use, if it finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of such municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (Ord. #1896, Nov. 1992)

12-407. <u>Service of complaints or orders</u>. Complaints or orders issued by a public officer or the City of Columbia Housing Board of Adjustments and Appeals pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the structures are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. If personal service or service by registered mail is unattained, such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #1896, Nov. 1992)

12-408. <u>Enjoining enforcement of order</u>. (1) Any person affected by an order issued by the public officer or City of Columbia Housing Board of Adjustments and Appeals may file a bill in the chancery court for an injunction restraining the public officer or City of Columbia Housing Board of Adjustments and Appeals from carrying out the provisions of the order and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer or City of Columbia Housing Board of Adjustments and Appeals, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer or the City of Columbia Housing Board of Adjustments and Appeals as to facts, if supported by evidence shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals shall be entitled to recover any damages for action taken pursuant to any order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals or because of noncompliance by such person with any order of the public officer or the City of Columbia Housing Board of Adjustments and Appeals. (Ord. #1896, Nov. 1992)

12-409. Chapter confers supplementary powers. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the City of Columbia, Tennessee, to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. (Ord. #1896, Nov. 1992)

12-410. Available in the recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for use and inspection by the public. (Ord. #1896, Nov. 1993, modified)

CHAPTER 5

SWIMMING POOL CODE[1]

SECTION

12-501. Swimming pool code adopted.
12-502. Available in recorder's office.
12-503. Permit required for doing swimming pool work.

12-501. Swimming pool code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, the Standard Swimming Pool Code[2], 1999 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted which regulates the location, construction and safeguarding of swimming pools constructed within the city limits of the City of Columbia, Tennessee. (1968 Code, § 4-501, as amended by Ord. #2090, July 1995, modified)

12-502. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-502, modified)

12-503. Permit required for doing swimming pool work. No swimming pool work shall be done within the City of Columbia until a permit therefor has been issued by the building inspector. (1968 Code, § 4-503)

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

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

CHAPTER 6

ONE AND TWO FAMILY DWELLING CODE

SECTION

12-601. One and two family dwelling code adopted.
12-602. Standard building code, appendix N adopted.

12-601. One and two family dwelling code adopted. The City of Columbia, Tennessee does hereby adopt the Counsel of American Building Officials (CABO) One and Two Family Dwelling Code,[1] 2000 edition, to be used in relating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwellings and their appurtenancs and accessory structures in the City of Columbia, Tennessee, and to provide for the issuance of permits therefor and penalties for the violation thereof; provided, however, Part IV relating to mechanical systems and equipment, Part VI relating to electrical requirements, and Part VII relating to energy conservation requirements are excluded from this adoption and shall be inapplicable in the City of Columbia, Tennessee, unless later adopted. (Ord. #1936, May 1993, modified)

12-602. Standard building code, appendix N adopted. The City of Columbia, Tennessee does hereby adopt Standard Building Code, 1994 edition, Appendix N, of Southern Building Code Congress International, Inc., which in turn adopts the CABO One and Two Family Dwelling Code for the design and construction of one and two family dwellings. (Ord. #1936, May 1993)

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

CHAPTER 7

MECHANICAL CODE

SECTION

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

12-701. Mechanical code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, the Southern Building Code Congress International Standard Mechanical Code, 2000 edition, is hereby adopted and incorporated by reference as a part of this code. (Ord. #3206, June 1998, modified)

12-702. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #3206, June 1998, modified)

12-703. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference. (Ord. #3206, June 1998)

CHAPTER 8

GAS CODE

SECTION

12-801. Gas code adopted.
12-802. Available in recorder's office.
12-803. Violations.

12-801. Gas code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, the Southern Building Code Congress International Standard Gas Code, 1997 edition, and subsequent revisions thereto, is hereby adopted and incorporated by reference as a part of this code. (Ord. #3207, June 1998)

12-802. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, three (3) copies of the gas code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #3207, June 1998)

12-803. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the gas code as herein adopted by reference. (Ord. #3207, June 1998)

CHAPTER 9

ENERGY CODE[1]

SECTION

12-901. Model energy code adopted.
12-902. Modifications.
12-903. Available in recorder's office.
12-904. Violation and penalty.

12-901. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 et seq. and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code,[2] 2009 edition, as prepared and maintained by the Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as replaced by Ord. #3979, April 2014)

12-902. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Columbia. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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[1]State law reference

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

Municipal code references

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

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

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

12-904. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 10

OFFICE OF ADMINISTRATIVE HEARING OFFICER

SECTION

12-1001. Municipal administrative hearing officer.
12-1002. Communication by administrative hearing officer and parties.
12-1003. Appearance by parties and/or counsel.
12-1004. Pre-hearing conference and orders.
12-1005. Appointment of administrative hearing officer/administrative law judge.
12-1006. Training and continuing education.
12-1007. Jurisdiction not exclusive.
12-1008. Citations for violations -- written notice.
12-1009. Review of citation -- levy of fine -- setting of hearing.
12-1010. Party in default.
12-1011. Petition for intervention.
12-1012. Regulating course of proceedings -- hearing open to public.
12-1013. Evidence and affidavits; notice.
12-1014. Final orders.
12-1015. Final order effective date.
12-1016. Collection of fines, judgments and debts.
12-1017. Judicial review of final order.
12-1018. Appeal to court of appeals.

12-1001. Municipal administrative hearing officer. (1) In accordance with Tennessee Code Annotated, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the Columbia Municipal Code relating to building and property maintenance including:

(a) Building codes found at title 12, chapter 1 and title 12 chapter 6;
(b) Residential codes found at title 12, chapter 5;
(c) Plumbing codes found at title 12, chapter 2;
(d) Electrical codes found at title 12, chapter 3;
(e) Gas codes found at title 12, chapter 8;
(f) Mechanical codes found at title 12, chapter 7;
(g) Energy codes found at title 12, chapter 9;
(h) Property maintenance codes found at title 12, chapter 4; and
(i) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation codes adopted by the state fire marshal pursuant to Tennessee Code Annotated,

§ 68-120-101(a) enforced by deputy building inspector pursuant to Tennessee Code Annotated, § 68-120-101(f).

The utilization of the administrative hearing officer shall be an alternative to the enforcement in the City of Columbia Municipal Court.

(2) There is hereby created one (1) administrative hearing officer position to be appointed pursuant to § 12-1005 below.

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

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

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in title 6, chapter 54, section 1001, et seq., of the Tennessee Code Annotated. (as added by Ord. #3956, Oct. 2013)

12-1002. Communication by administrative hearing officer and parties. (1) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative hearing officer presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceedings, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(2) Notwithstanding subsection (1), an administrative hearing officer may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or city prosecutor, or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative hearing officer would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(3) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as all administrative hearing officer without notice and opportunity for all parties to participate in the communication.

(4) If, before serving as an administrative hearing officer in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5).

(5) An administrative hearing officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all

parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication. (as added by Ord. #3956, Oct. 2013)

12-1003. Appearance by parties and/or counsel. (1) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, unless prohibited by any provision of law, other representative. (as added by Ord. #3956, Oct. 2013)

12-1004. Pre-hearing conference and orders. (1) (a) In any action set for hearing, the administrative hearing officer, upon the administrative hearing officer's own motion, or upon motion of one (1) of the parties or such party's qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative hearing officer for a conference to consider:

(i) The simplification of issues;

(ii) The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof.

(iii) The limitation of the number of witnesses; and

(iv) Such other matters as may aid in the disposition of the action.

(b) The administrative hearing officer shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(2) Upon reasonable notice to all parties, the administrative hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

(3) In the discretion of the administrative hearing officer, all or part of the pre-hearing conference may be conducted by telephone, television or other electronic means, if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(4) If a pre-hearing conference is not held, the administrative hearing officer may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings. (as added by Ord. #3956, Oct. 2013)

12-1005. Appointment of administrative hearing officer/administrative law judge. (1) The administrative hearing officer shall be appointed by the city manager and serve at the pleasure of the city manager. Such administrative hearing officer may be hired on a part-time basis, by contract or by interlocal agreement with one (1) or more eligible municipalities.

(2) An administrative hearing officer shall be one (1) of the following:

(a) Licensed building inspector;
(b) Licenses plumbing inspector;
(c) Licensed electrical inspector;
(d) Licensed attorney;
(e) Licensed architect; or
(f) Licensed engineer.

(3) The city may also contract with the administrative procedures division, office of the Tennessee Secretary of State to employ an administrative law judge on a temporary basis to serve as an administrative hearing officer. Such administrative law judge shall not be subject to the training or continuing education requirements of Tennessee Code Annotated subsections 6-54-1007(a) and (b). (as added by Ord. #3956, Oct. 2013)

12-1006. Training and continuing education. (1) Each person appointed to serve as an administrative hearing officer shall, within the six (6) month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, (MTAS) or its designee(s). MTAS shall issue a certificate of participation to each person whose attendance is satisfactory.

(2) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the administrative hearing officer(s). No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year. (as added by Ord. #3956, Oct. 2013)

12-1007. Jurisdiction not exclusive. The power and authority vested in the office of administrative hearing officer is not exclusive and does not terminate or diminish any other existing municipal power or authority. The city council may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement. (as added by Ord. #3956, Oct. 2013)

12-1008. Citations for violations - written notice. (1) Upon the issuance of a citation for violation of a municipal ordinance referenced in the

city's administrative hearing ordinance, the issuing officer shall provide written notice of:

(a) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(b) A short and plain description of the city's administrative hearing process including references to state and local statutory authority;

(c) Contact information for the city's administrative hearing office; and

(d) Time frame in which the hearing officer will review the citation and determine the fine and remedial period, if any.

(2) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(3) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(4) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be transmitted to an administrative hearing officer within two (2) business days of issuance. (as added by Ord. #3956, Oct. 2013)

12-1009. <u>Review of citation - levy of fine - setting of hearing</u>.

(1) Upon receipt of a citation issued pursuant to § 12-1008, the administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator in accordance with this section. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

(a) For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation. For purposes of the administrative hearing officer program, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.

(b) For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation per day. For purposes

of the administrative hearing officer program, "non-residential property" means all real property, structures, buildings and dwellings that are not residential property.

(2) If a fine is levied pursuant to subsection (1), the hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) or greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

(3) Upon the levy of a fine pursuant to subsection (1), the hearing officer shall within seven (7) business days, provide via certified mail notice to the alleged violator of:

(a) The fine and remedial period established pursuant to subsections (1) and (2);

(b) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and

(c) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

(4) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the hearing officer within seven (7) business days of receipt of the notice required in subsection (3).

(5) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (1) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled. (as added by Ord. #3956, Oct. 2013)

12-1010. <u>Party in default</u>. (1) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative hearing officer may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(2) If the proceedings are conducted without the participation of the party in default, the administrative hearing officer shall include in the final order a written notice of default and a written statement of the grounds for the default. (as added by Ord. #3956, Oct. 2013)

12-1011. <u>Petition for intervention</u>. (1) The administrative hearing officer shall grant one (1) or more petitions for intervention if:

(a) The petition is submitted in writing to the administrative hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;

(b) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The administrative hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(2) If a petitioner qualifies for intervention, the administrative hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

(b) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two (2) or more intervenors to combine their participation in the proceedings.

(3) The administrative hearing officer, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative hearing officer may modify the order at any time, stating the reasons for the modification. The administrative hearing officer shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties. (as added by Ord. #3956, Oct. 2013)

12-1012. <u>Regulating course of proceedings--hearing open to public</u>. (1) The administrative hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the administrative hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the pre-hearing order.

(3) In the discretion of the administrative hearing officer and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(4) The hearing shall be open to public observation pursuant to title 8, chapter 44 of the Tennessee Code Annotated, unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall be satisfied by giving members of the public an opportunity, at reasonable time, to hear the tape recording and to inspect any transcript produced, if any. (as added by Ord. #3956, Oct. 2013)

12-1013. Evidence and affidavits; notice. (1) In an administrative hearing:

(a) The administrative hearing officer shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court. Evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative hearing officer shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(b) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (2). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross-examine an affiant, the opposing party's right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as provided in this subdivision (b), the affidavit shall not be admitted into evidence. "Delivery," for purposes of this section, means actual receipt;

(c) The administrative hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(d) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(e) (i) Official notice may be taken of:

(A) Any fact that could be judicially noticed in the courts of this state;

(B) The record of other proceedings before the agency; or

(C) Technical or scientific matters within the administrative hearing officer's specialized knowledge; and

(ii) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

(2) The notice referred to in subdivision (b) shall contain the following information and be substantially in the following form:

> The accompanying affidavit of _____ (here insert name of affiant) will be introduced as evidence at the hearing in _____ (here insert title of proceeding), _____ (here insert name of affiant) will not be called to testify orally and you will not be entitled to question such affiant unless you notify _____ (here insert name of the proponent or the proponent's attorney) at _____ (here insert address) that you wish to cross-examine such affiant. To be effective, your request must be mailed or delivered to _____ (here insert name of proponent or the proponent's attorney) on or before _____ (here insert a date seven (7) business days, after the date of mailing or delivering the affidavit to the opposing party). (as added by Ord. #3956, Oct. 2013)

12-1014. <u>Final orders</u>. (1) An administrative hearing officer shall render a final order in all cases brought before his or her body.

(2) A final order shall include conclusions of law, the policy reasons therefor, and findings of fact for all aspects of the order, including the remedy prescribed. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The final order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief and the time limits for seeking judicial review of the final order.

(3) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The administrative hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

(4) If an individual serving or designated to serve as an administrative hearing officer becomes unavailable, for any reason, before rendition of the final order, a qualified substitute shall be appointed. The substitute shall use any

existing record and may conduct any further proceedings as is appropriate in the interest of justice.

(5) The administrative hearing officer may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(6) A final order rendered pursuant to subsection (1) shall be rendered in writing within seven (7) business days after conclusion of the hearing or after submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(7) The administrative hearing officer shall cause copies of the final order under subsection (1) to be delivered to each party. (as added by Ord. #3956, Oct. 2013)

12-1015. Final order effective date. (1) All final orders shall state when the order is entered and effective.

(2) A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order. (as added by Ord. #3956, Oct. 2013)

12-1016. Collection of fines, judgments and debts. The city may collect a fine levied pursuant to this section by any legal means available to a municipality to collect any other fine, judgment or debt. (as added by Ord. #3956, Oct. 2013)

12-1017. Judicial review of final order. (1) A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, title 6, chapter 54, part 10, which shall be the only available method of judicial review.

(2) Proceedings for judicial review of a final order are instituted by filing a petition for review in the chancery court in the county where the municipality lies. Such petition must be filed within sixty (60) calendar days after the entry of the final order that is the subject of the review.

(3) The filing of the petition for review does not itself stay enforcement of the final order. The reviewing court may order a stay on appropriate terms, but if it is shown to the satisfaction of the reviewing court, in a hearing that shall be held within ten (10) business days of a request for hearing by either party, that any party or the public at large may suffer injury by reason of the granting of a stay, then no stay shall be granted until a good and sufficient bond, in an amount fixed and approved by the court, shall be given by the petitioner conditioned to indemnify the other persons who might be so injured and if no bond amount is sufficient, the stay shall be denied.

(4) Within forty-five (45) calendar days after service of the petition, or within further time allowed by the court, the administrative hearing officer shall

transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record may be sho11ened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative hearing officer upon conditions determined by the court. The administrative hearing officer may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(6) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing officer, except as otherwise provided in this chapter. The administrative hearing officer that issued the decision to be reviewed is not required to file a responsive pleading.

(7) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative hearing officer, not shown in the record, proof thereon may be taken in the court.

(8) The court may affirm the decision of the administrative hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the administrative hearing officer;

(c) Made upon unlawful procedure;

(d) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

(e) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative hearing officer as to the weight of the evidence on questions of fact.

(9) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.

(10) The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record. (as added by Ord. #3956, Oct. 2013)

12-1018. Appeal to court of appeals. (1) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the Court of Appeals of Tennessee.

(2) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to title 24 shall become a part of the record.

(3) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure. (as added by Ord. #3956, Oct. 2013)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Weeds.
13-105. Weeds and other noxious matter.
13-106. Dead animals.
13-107. Health and sanitation nuisances.
13-108. Water pollution.
13-109. Birds becoming nuisances or threats to health, safety, or property.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Columbia. (1968 Code, § 8-401)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust or gases as to be detrimental to or to endanger the health, comfort and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1968 Code, § 8-404)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1968 Code, § 8-405)

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[1]Municipal code references
Animal control: title 10.
Toilet facilities in beer places: § 8-222(9).

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1968 Code, § 8-406)

13-105. Weeds and other noxious matter. No record owner of any real property shall create, maintain or permit to be maintained on such property, the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens, or to encourage the infestation of rats and other harmful animals.

(1) The city manager or any person designated by him or her is hereby authorized and empowered to provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. If the owner requests a hearing, such request shall be made within ten (10) days from the date of the receipt of the notice and the building official shall select a committee of three (3) persons from the staff of the city with no more than one (1) member being from the staff of the inspections office. The committee will hear the appeal as soon as practicable but not later than thirty (30) days after the request for the hearing. The decision of the committee shall be final except for whatever rights the owner might have for judicial review. The notice shall be written in plain language, and shall also include, but not be limited to, the following elements:

(a) A brief statement of this section which shall contain the consequences of failing to remedy the noted conditions;

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

(c) A cost estimate for remedying the noted condition which shall be in conformity with the standards of costs in the community plus any appropriate administrative fees; and a place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

(2) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, or within ten (10) days after the notice is returned to the city by the post office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the city manager or the person designated by him or her shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof plus the appropriate administrative fees assessed against the owner of the property.

There shall be an administrative fee of $75.00 for each remedying of such condition. The city may collect the costs and administrative fees assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all the owners of the properties against whom such costs and administrative fees have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs and administrative fees shall be a lien on the property in favor of the city, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments and any valid lien, right or interest in such property duly recorded or duly perfected by filing of such notice. These costs and administrative fees shall be collected by the city at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs and administrative fees, they shall be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. The city manager or the person designated by him or her may make rules and regulations necessary for the administration and enforcement of this section, and shall report such rules and regulations to city council. The city shall provide for a hearing upon request of the person aggrieved by the determination as herein above set forth. Failure to make the request within the time provided shall without exception constitute a waiver of the right to a hearing.

(3) Any person aggrieved by an order or an act as a result of the hearing provided hereunder may seek judicial review of the order or act.

(4) The provisions of this section do not apply to any parcel of property upon which an owner-occupied residence is located. The owner of record of the owner occupied property shall be notified that if the noted condition is not remedied within ten (10) days of receipt of the notice, the building official shall have the authority to issue a citation against the owner of record. Each day in violation shall constitute a separate offense.

(5) All property within the city limits that is not used for agricultural purposes shall be cut as frequently as necessary to insure the weeds do not exceed a height of twelve (12) inches. Chemical means shall only be used to control noxious weeds such as thistles, poison oak, poison ivy, etc. This paragraph shall apply to all property within the city limits unless the property owner submits a written statement within ten (10) days from receipt of notice that the property was used for agricultural purposes during the previous season and is presently used for the same purpose. Property used for agricultural purposes shall be cut a minimum of three (3) times a year; and when property used for agricultural purposes adjoins residential areas, a strip at least fifty (50)

feet in width shall be mowed as often as necessary to insure the weeds do not exceed the height of twelve (12) inches. (Ord. #3105, Nov. 1996)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1968 Code, § 8-407)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1968 Code, § 8-408)

13-108. Water pollution. It shall be unlawful for any person to place or throw the dead body of any animal, or any organic matter, or to wilfully permit anything other than natural surface run-off water from his premises to drain into any spring, well, cistern, or stream of water. It shall be unlawful for any person to wilfully disturb, pollute, or contaminate any water supply. (1968 Code, § 8-409)

13-109. Birds becoming nuisances or threats to health, safety, or property. (1) If starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health, safety or property in the opinion of the chief of police, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the chief of police.

(2) The city reserves the right to eradicate any bird or waterfowl which has become an immediate threat to the safety of the residents of the City of Columbia. (1968 Code, § 8-411)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES.
4. STORMWATER MANAGEMENT.
5. AQUATIC BUFFER REGULATIONS.
6. STORMWATER ADVISORY COMMITTEE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. A Municipal Planning Commission is hereby created and established as authorized by Pub. Acts 1935, ch. 34.

The municipal planning commission shall consist of 7 members. One of the members shall be the mayor and one shall be a member of the city council selected by the city council and the remaining members shall be citizens appointed by the mayor. The terms of the members shall be three (3) years, excepting that in the appointment of the first municipal planning commission, two of said members shall be appointed for a term of three years, two for a term of two (2) years and the remaining member for a term of one (1) year. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointive member at his pleasure. The term of the member selected from the city council shall run concurrently with his membership on the city council. All members shall serve without compensation. (1968 Code, § 11-101)

14-102. Organization, powers, duties, etc. The municipal planning commission shall elect its chairman from among its members. The term of the chairman shall be one (1) year with eligibility for re-election. The commission shall adopt rules for its transactions, findings and determinations, and shall keep a record of its actions which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of

gifts, shall be within the amounts appropriated for the purpose by the city council.

When the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, it shall have all the powers, duties, and responsibilities as set forth in Pub. Acts 1935, ch. 34, ch. 44, and ch. 45, or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1968 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Columbia shall be governed by Ordinance Number 1507, titled "Zoning Ordinance, Columbia, Tennessee," and any amendments thereto.[1]

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[1]Ordinance No. 1507, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOMES

SECTION

14-301. Fees.
14-302. Specifications.

14-301. Fees. There are hereby established the following fees for placement and inspection of single and multi-sectional homes in the City of Columbia, Tennessee:

Permit for placing sectional home	$15.00
Inspection fees for single-sectional home (including water, foundation, steps, sewer lateral, underpinning, skirting)	$42.50
Inspection fees for multi-sectional homes (including water, foundation, steps, sewer lateral, underpinning, skirting)	$ 75.00

A penalty of 100% of the usual permit fee shall be charged when a mobile home is placed prior to the issuance of a permit to do such work. (Ord. #3470, July 2002)

14-302. Specifications. There are hereby established the following specifications for the placement of single and multi-wide homes in the City of Columbia:

(1) Installation of single and multi-wide homes shall be in accordance with Standard Building Code Appendix H and Standard Plumbing Code Appendices B and C.

(2) All single and multi-wide sectional homes shall be placed on permanent foundations consisting of the following:

(a) Piers-supports: All piers shall be constructed on footing of solid concrete not less than 16 x 16 x 4 inches. Piers shall be at least 16 x 16 inches. Piers over 80 inches high shall be in accordance with the above and shall be filled with grout and reinforced with 4 5/8 rods (bars). Cast inplace concrete piers may be used.

(b) Tie downs: Tie downs shall be in accordance with Standard Building Code Appendix H, Sections 105.2 and 105.3. No over the top tie downs required.

(3) Handrails or guardrails on steps, decks, porches shall be required in accordance with the Standard Building Code.

(4) Single homes shall have underpinning or skirting of durable quality.

(5) Multi-wide homes shall have brick, block, rock or masonry around perimeter for underpinning compatible with the neighborhood.

(6) No tongues should be visible in multi-sectional homes.

(7) PVC pipe shall be used on drains and tested after installation using a test ball and filled with water.

(8) PVC, CPVC and copper pipe shall be used on water lines with main shut-off valve accessible outside the home.

(9) Water lines shall be insulated.

(10) All piping must have proper hangers and supports at 4 foot intervals. (1968 Code, § 4-702)

CHAPTER 4

STORMWATER MANAGEMENT

SECTION

14-401. General provisions.
14-402. Definitions.
14-403. Waivers.
14-404. Stormwater system design: construction and permanent stormwater management.
14-405. Permanent stormwater management: operation, maintenance, and inspection..
14-406. Existing locations and new and ongoing developments.
14-407. Illicit discharges.
14-408. Enforcement.
14-409. Penalties.
14-410. Appeals.
14-411. [Deleted.]

14-401. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the City of Columbia and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City of Columbia's Department of Development Services shall administer the provisions of this chapter.

(3) Stormwater management ordinance. The intended purpose of this chapter is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (1968 Code, § 4-601, as replaced by Ord. #3735, Dec. 2007, and Ord. #3941, March 2013)

14-402. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(2) "As built plans" means drawings depicting conditions as they were actually constructed.

(3) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other

management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(4) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtrations and evapotranspiration. For buffer zone requirements see title 14 chapter 5 of the municipal code.

(6) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(7) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(8) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(9) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.,) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(10) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct

or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(11) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(12) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(13) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(14) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is no limited to only these land uses:

(a) Vehicle salvage yards and recycling facilities

(b) Vehicle service and maintenance facilities

(c) Vehicle and equipment cleaning facilities

(d) Fleet storage areas (bus, truck, etc.)

(e) Industrial sites (included on standard industrial classification code list)

(f) Marinas (service and maintenance)

(g) Public works storage areas

(h) Facilities that generate or store hazardous waste materials

(i) Commercial container nursery

(j) Restaurants and food service facilities

(k) Other land uses and activities as designated by an appropriate review authority.

(15) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate storm sewer system whether or not such connections result in discharges into that system.

(16) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 14-407(2).

(17) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(18) "Inspector" An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion

Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

(a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;

(b) Update field SWPPPs;

(c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(19) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(20) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(21) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(22) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(23) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(24) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(25) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(26) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(27) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(28) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(29) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(30) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(31) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(32) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(33) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(34) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(35) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(36) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(37) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(38) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and

approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(39) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(40) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(41) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(42) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(43) "Water quality buffer" see "buffer".

(44) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(45) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(46) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(47) "Wetland(s)" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(48) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple

populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, chapter 1200-4-3-.04(3)). (Ord. #3478, Oct. 2002, as replaced by Ord. #3729, Nov. 2007, Ord. #3735, Dec. 2007, and Ord. 3941, March 2013)

14-403. Waivers. (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this chapter. However, alternatives to the 2010 NPDES general permit for discharges from small municipal separate storm sewer systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Columbia Department of Development Services.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the City of Columbia Department of Development Services that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Land disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (Ord. #3463, July 2002, as replaced by Ord. #3735, Dec. 2007, and Ord. #3941, March 2013)

14-404. Stormwater system design: construction and permanent stormwater management. (1) MS4 stormwater design or BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this chapter as is fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) The Nashville-Davidson County Metro Stormwater Management Manual (BEST MANAGEMENT PRACTICES (BMP) MANUAL - Volume 4); most current edition.

(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The City of Columbia's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the City of Columbia Department of Development Services, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meed the minimum water quality performance standards.

(2) Land development. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

(a) Five thousand (5,000) square feet or more;

(i) New development that involves land development activities of five thousand (5,000) square feet or more;

(ii) Redevelopment that involves other land development activity of five thousand (5,000) square feet or more;

(b) Projects or developments of less than five thousand (5,000) square feet of total land disturbance may also be required to obtain authorization under this chapter if:

(i) The City of Columbia Department of Development Services has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;

(ii) The City of Columbia Department of Development Services has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;

(iii) Changes in state or federal rules require sites of less than five thousand (5,000) square feet that are not part of a larger common plan of development or sale to obtain a stormwater permit;

(iv) Any new development or redevelopment, regardless of size, that is defined by the City of Columbia Department of Development Services to be a hotspot land use; or

(v) Minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, even multiple, that is part of a separate and distinct land development activity that may take place at different times on different schedules.

Note: any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, Chapter 1200-4-6.

(3) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed notice of termination (NOT) to the City of Columbia Department of Development Services. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's Data Viewer web site.

Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(4) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that comply with subsection (7) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(5) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the state of Tennessee. The plan shall also conform to the requirements found in the adopted MS4 BMP manual, and shall include at least the following:

(a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exists, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(6) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention

practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(e) Prior to or during the site design process, applicants for land disturbance permits shall constitute with the City of Columbia Department of Development Services to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(7) Minimum volume control requirements. (Note: the volume control requirements are by the MS4 and not the TDEC MS4 Permit) in accordance with 14-401(1)(c)(iii) the MS4 may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Columbia Department of Development Services may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Columbia Department of Development Services to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map. Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and

(ix) Documentation of sources for all computation methods and field test results.

(e) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(9) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Land disturbance permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred and eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

(11) Performance bonds. (a) The City of Columbia Development Services Department may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit or certificate of occupancy in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Columbia Development Services Department. Alternatively the City of Columbia Development Services Department shall have the right to calculate the cost of construction cost estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this title. The City of Columbia Development Services Department will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this chapter. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City of Columbia Development Services Department. (Ord. #3088, Aug. 1996, as replaced by Ord. #3735, Dec. 2007, and Ord. #3941, March 2013)

14-405. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will

be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in § 14-406.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party. (Ord. #3135, May 1997, as replaced by Ord. #3735, Dec. 2007, and Ord. #3941, March 2013)

14-406. Existing locations and new and ongoing developments.

(1) On-site stormwater management facilities maintenance agreement.

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. All residential stormwater management facilities shall be maintained by a homeowners

association or other legal entity and the burden should not be imposed on a single property owner.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this chapter. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City of Columbia Department of Development Services. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner on a schedule to be determined by the City of Columbia Department of Development Services.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Columbia shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Columbia cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The City of Columbia Department of Development Services shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this chapter shall be regarded as illicit.

(b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining it there are illicit non-stormwater discharges, and to establish inspection programs to verify that all

stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The City of Columbia may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five year inspections shall include:

(i) Facility type,

(ii) Inspection date,

(iii) Latitude and longitude and nearest street address,

(iv) BMP owner information (e.g. name, address, phone number, fax, and email),

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

(vi) Photographic documentation of BMPs, and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The City of Columbia may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this chapter:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 14-405(c)(i), (ii), (iii) and on a schedule acceptable to the City of Columbia Department of Development Services..

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the City of Columbia Department of Development Services be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

(i) Ponds:
- (A) Detention pond;
- (B) Extended detention pond;
- (C) Wet pond;
- (D) Alternative storage measures.

(ii) Constructed wetlands.

(iii) Infiltration systems:
- (A) Infiltration/percolation trench;
- (B) Infiltration basin;
- (C) Drainage (recharge) well;
- (D) Porous pavement.

(iv) Filtering systems:
- (A) Catch basin inserts/media filter;
- (B) Sand filter;
- (C) Filter/absorption bed;
- (D) Filter and buffer strips.

(v) Open channel:
- (A) Swale.

(5) Corrections of problems subject to appeal. Corrective measures imposed by the City of Columbia Department of Development Services under this section are subject to appeal under § 14-410 of this chapter. (Ord. #3088, Aug. 1996, as replaced by Ord. #3735, Dec. 2007, and Ord. #3941, March 2013)

14-407. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with § 14-406 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(i) Water line flushing or other potable water;

(ii) Landscape irrigation or lawn watering with potable water;

(iii) Diverted stream flows;

(iv) Rising ground water;

(v) Groundwater infiltration to storm drains;

(vi) Pumped groundwater;

(vii) Foundation or footing drains;

(viii) Crawl space pumps;

(ix) Air conditioning condensation;

(x) Springs;

(xi) Non-commercial washing of vehicles;

(xii) Natural riparian habitat or wetland flows;

(xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine);

(xiv) Fire fighting activities;

(xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the city has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), which comply with section 3.5.9 of the same:

(i) Dewartering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);

(ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;

(iii) Water used to control dust in accordance with CGP section 3.5.5;

(iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;

(v) Routine external building washdown that does not use detergents or other chemicals;

(vi) Uncontaminated groundwater or spring water; and

(vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.)

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this chapter shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or un occupied, inside the city. (as added by Ord. #3735, Dec. 2007, and replaced by Ord. #3941, March 2013)

14-408. Enforcement. (1) Enforcement authority. The City of Columbia Department of Development Services shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the MS4s own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures. The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the City of Columbia Department of Development Services finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the City of Columbia Department of Development Services may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City of

Columbia Department of Development Services. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The City of Columbia is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsections (d) and (e) below.

(d) Show cause hearing. The City of Columbia Department of Development Services may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the City of Columbia Department of Development Services finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the City of Columbia Department of Development Services finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City of Columbia Department of Development Services may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations and terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The City of Columbia may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other

Responsible person with the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described there in, provided such permit may be reinstated upon such conditions as the City of Columbia Department of Development Services may be necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the city under this chapter, the strictest standard shall prevail. (as added by Ord. #3735, Dec. 2007, and replaced by Ord. #3941, March 2013)

14-409. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Columbia, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Columbia of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the City of Columbia may consider:

(a) The harm done to the public health or the environment;

(b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the city;

(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and

(g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the city may recover:

(a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating

violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.

(b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Referral to TDEC. Where the city has used progressive enforcement to achieve compliance with this chapter, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

(a) Construction project or industrial facility location;

(b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #3735, Dec. 2007, as replaced by Ord. #3941, March 2013)

14-410. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's governing body. Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #3735, Dec. 2007, as replaced by Ord. #3941, March 2013)

14-411. [Deleted.] (as added by Ord. #3735, Dec. 2007, and deleted by Ord. #3941, March 2013)

CHAPTER 5

AQUATIC BUFFER REGULATIONS

SECTION

14-501. Background.
14-502. Definitions.
14-503. Applications.
14-504. Plan requirements.
14-505. Design standards for forest buffers.
14-506. Buffer management and maintenance.
14-507. Enforcement procedures.
14-508. Waivers/variances.
14-509. Conflict with other regulations.

14-501. Background. Buffers adjacent to stream systems provide environmental protection and resource management benefits that can include the following:

(1) Restoring and maintaining the chemical, physical, and biological integrity of the water resources.

(2) Removing pollutants delivered from urban stormwater.

(3) Reducing erosion and sediment entering the stream.

(4) Stabilizing stream banks.

(5) Providing infiltration of stormwater runoff.

(6) Maintaining base flow of streams.

(7) Contributing the organic matter that is a source of food and energy for the aquatic ecosystem.

(8) Providing tree canopy to shade streams and promote desirable aquatic organisms.

(9) Providing riparian wildlife habitat.

(10) Furnishing scenic value and recreational opportunity. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-502. Definitions. (1) "Active channel." The area of the stream channel that is subject to frequent flows (approximately once per one and a half years) and that includes the portion of the channel below the floodplain.

(2) "Best Management Practices (BMPs)." Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment, and runoff.

(3) "Buffer." A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir. Alteration of this natural area is strictly limited.

(4) "Development." (a) The improvement of property for any purpose involving building.

(b) Subdivision or the division of a tract or parcel of land into two or more parcels.

(c) The combination of any two (2) or more lots, tracts, or parcels of property for any purpose.

(d) The preparation of land for any of the above purposes.

(5) "Exceptional Tennessee Waters." Surface waters of the State of Tennessee that satisfy the characteristics as listed in Rule 1200-4-3-.06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters within state or national parks, wildlife refuges, wilderness or natural areas; State or Federal Scenic Rivers; Federally designated critical habitat; waters within an area designated as Lands Unsuitable for Mining; waters with naturally reproducing trout; waters with exceptional biological diversity or; other waters with outstanding ecological or recreational value as determined by the Tennessee Department of Environment and Conservation.

(6) "Impaired waters." Any segment of surface waters that has been identified by the Tennessee Department of Environment and Conservation as failing to support classified uses; TDEC periodically compiles a list of such waters known as the 303(d) list.

(7) "Nontidal wetlands." Those areas not influenced by tidal fluctuations that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(8) "Nonpoint source pollution." Pollution that is generated by various land use activities rather than from an identifiable or discrete source and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than direct discharges.

(9) "One hundred-year floodplain." The area of land adjacent to a stream that is subject to inundation during a 100-year storm event (has a one percent (1%) probability of occurring each year).

(10) "Pollution." Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to:

(a) Public health, safety, or welfare.

(b) Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses.

(c) Livestock, wild animals, or birds.

(d) Fish or other aquatic life.

(11) "Stream channel." Part of a watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

(a) Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.

(b) Flowing water not directly related to a storm event.

(c) Historical records of a local high groundwater table, such as well and stream gauge records.

(12) "Stream system." A stream channel together with one or both of the following:

(a) 100-year floodplain.

(b) Hydrologically related nontidal wetland.

(13) "Streams." Perennial and intermittent watercourses identified through site inspection and US Geological Survey (USGS) maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

(14) Water pollution hazard." A land use or activity that causes a relatively high risk of potential water pollution. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-503. <u>Applications</u>. (1) This chapter shall apply to all proposed development except for that development which meets waiver or variance criteria as outlined in § 14-508 of this regulation.

(2) This chapter shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with the regulations of the buffer ordinance and has received approval from the Tennessee Department of Agriculture, Division of Forestry.

(3) This chapter shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved Tennessee Division of Water Pollution Control (WPC), Mining Section surface mining permit.

(4) The chapter shall not apply to agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of BMPs.

(5) Except as provided in § 14-508, this chapter shall apply to all parcels of land, structures, and activities that are causing or contributing to:

(a) Pollution, including nonpoint source pollution, of the waters of the jurisdiction adopting this chapter.

(b) Erosion or sedimentation of stream channels.

(c) Degradation of aquatic or riparian habitat. (as added by Ord. #3736, (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-504. <u>Plan requirements</u>. (1) In accordance with § 14-503 of this chapter, a plan approved by the appropriate government agency and the City of Columbia Department of Development Services is required for all development, forest harvesting operations, surface mining operations, and agricultural operations.

(2) The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the City of Columbia Department of Development Services an opportunity to make a reasonably informed decision regarding the proposed activity.

(3) The plan shall contain the following information:

(a) A location or vicinity map.

(b) Field-delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of two hundred feet (200') into adjacent properties).

(c) Field delineated and surveyed forest buffers.

(d) Limits of the 100-year floodplain.

(e) Hydric soils mapped in accordance with the NRCS soil survey of the site area.

(f) Steep slopes greater than fifteen percent (15%) for areas adjacent to and within fifty feet (50') of streams, wetlands, or other waterbodies.

(g) A narrative of the species and distribution of existing vegetation within the buffer.

(4) The buffer plan shall be submitted in conjunction with the required grading plan for any development, and the forest buffer should be clearly delineated on the final grading plan.

(5) Permanent boundary markers, in the form of signage approved by the City of Columbia Department of Development Services, shall be installed prior to final approval of the required clearing and grading plan. Signs shall be placed at the edge of the middle zone (see § 14-505(10)). (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-505. <u>Design standards for forest buffers</u>. (1) A forest buffer for a stream system shall consist of a forested strip of land extending along both sides of a stream and its adjacent wetlands, flood plains, or slopes. The forest buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands, or other waterbodies.

(2) The forest buffer shall begin at the edge of the stream bank of the active channel.

(3) The required width for all forest buffers (i.e., the base width) shall be a minimum of thirty feet (30') or a minimum of sixty feet (60') on sites that contain and/or are adjacent to a receiving stream designated as impaired or

Exceptional Tennessee Waters, with the requirement to expand the buffer depending on:

(a) Percent slope.

(b) 100-year floodplain.

(c) Wetlands or critical areas.

(4) The forest buffer width shall be modified if steep slopes are within close proximity to the stream and drain into the stream system. In those cases, the forest buffer width may be adjusted.

Percent Slope	Width of Buffer
15%-20%	add 5 feet
21%-25%	add 10 feet
25+%	add 15 feet

(5) Forest buffers shall be extended to encompass the entire 100-year floodplain and a zone with a minimum width of five feet (5') beyond the edge of the floodplain.

(6) When wetland or critical areas extend beyond the edge of the required buffer width, the buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a ten foot (10') zone extending beyond the wetland edge.

(7) All sanitary sewer systems within the 100-year floodplain shall have watertight manholes with appropriately spaced vent pipes.

(8) Water pollution hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any stream or waterbody by the distance indicated below:

(a) Storage of hazardous substances--one hundred fifty feet (150').

(b) Above-ground or underground petroleum storage facilities--one hundred fifty feet (150').

(c) Drainfields from onsite sewage disposal and treatment systems (i.e., septic systems).--(Fifty feet (50') with appropriately designed curtain drain system, if applicable).

(d) Raised septic systems--two hundred fifty feet (250').

(e) Solid waste landfills or junkyards–three hundred feet (300').

(f) Confined animal feedlot operations–two hundred fifty feet (250').

(g) Treated subsurface discharges from a wastewater treatment plant--one hundred feet (100').

(h) Land application of biosolids–one hundred feet (100').

(9) The forest buffer shall be composed of three (3) distinct zones, with each zone having its own set of allowable uses and vegetative targets as specified in this chapter. (see Figure 2 at the end of this chapter).

(a) Zone 1, streamside zone.

(i) Protects the physical and ecological integrity of the stream ecosystem.

(ii) Begins at the edge of the stream bank of the active channel and extends a minimum of ten feet (10') from the top of the bank.

(iii) Allowable uses within this zone are highly restricted to:

(A) Flood control structures.

(B) Utility right of ways.

(C) Footpaths.

(D) Road crossings, where permitted.

(iv) Target for the streamside zone is undisturbed native vegetation.

(b) Zone 2, middle zone.

(i) Protects key components of the stream and provides distance between upland development and the streamside zone.

(ii) Begins at the outer edge of the streamside zone and extends a minimum of ten feet (10') plus any additional buffer width as specified in this section.

(iii) Allowable uses within the middle zone are restricted to:

(A) Biking or hiking paths.

(B) Stormwater management facilities, with the approval of City of Columbia Department of Development Services.

(C) Recreational uses as approved by the City of Columbia Department of Development Services.

(D) Limited tree clearing with approval from the City of Columbia Department of Development Services.

(iv) Targets mature native vegetation adapted to the region.

(c) Zone 3, outer zone.

(i) Prevents encroachment into the forest buffer and filters runoff from residential and commercial development.

(ii) Begins at the outward edge of the middle zone and provides a minimum width of ten feet (10') between Zone 2 and the nearest permanent structure.

(iii) Restricts septic systems, permanent structures, or impervious cover, with the exception of paths.

(iv) Encourages the planting of native vegetation to increase the total width of the buffer. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-506. <u>Buffer management and maintenance</u>. (1) The forest buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within Zones 1 and 2 of the forest buffer, except with approval by the City of Columbia Department of Development Services.

(a) Clearing of existing vegetation.

(b) Soil disturbance by grading, stripping, or other practices.

(c) Filling or dumping.

(d) Drainage by ditching, underdrains, or other systems.

(e) Use, storage, or application of pesticides, except for spot spraying of noxious weeds or non-native species consistent with recommendations of Tennessee Department of Agriculture.

(f) Housing, grazing, or other maintenance of livestock.

(g) Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the City of Columbia Department of Development Services.

(2) The following structures, practices, and activities are permitted in the forest buffer, with specific design or maintenance features, subject to the review by the City of Columbia Department of Development Services.

(a) Roads, bridges, paths, and utilities:

(i) An analysis needs to be conducted to ensure that no economically feasible alternative is available.

(ii) The right-of-way should be the minimum width needed to allow for maintenance access and installation.

(iii) The angle of the crossing shall be perpendicular to the stream or buffer to minimize clearing requirements.

(iv) The minimum number of road crossings should be used within each subdivision, and no more than one fairway crossing is allowed for every one thousand feet (1,000') of buffer.

(b) Stormwater management:

(i) An analysis needs to be conducted to ensure that no economically feasible alternative is available and that the project either is necessary for flood control or significantly improves the water quality or habitat in the stream.

(ii) In new developments, onsite and nonstructural alternatives will be preferred over larger facilities within the stream buffer.

(iii) When constructing stormwater management facilities (i.e., BMPs), the area cleared will be limited to the area required

for construction and adequate maintenance access as outlined in the most recent edition of the Tennessee Department of Environment and Conservation (TDEC) Erosion and Sediment Control Handbook (most recent edition).

(iv) Material dredged or otherwise removed from a BMP shall be stored outside the buffer.

(c) Stream restoration projects, facilities, and activities approved by the City of Columbia Department of Development Services are permitted within the forest buffer.

(d) Water quality monitoring and stream gauging are permitted within the forest buffer, as approved by the City of Columbia Department of Development Services.

(e) Individual trees within the forest buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed.

(f) Other timber cutting techniques approved by the City of Columbia Department of Development Services may be undertaken within the forest buffer under the advice and guidance of Tennessee Department of Agriculture, Division of Forestry if necessary to preserve the forest from extensive pest infestation, disease infestation, or threat from fire. The City of Columbia Engineering Department shall also be notified if timber cutting is to occur within the forest buffer.

(3) All plans prepared for recording and all right-of-way plans shall clearly:

(a) Show the extent of any forest buffer on the subject property.

(b) Label the forest buffer.

(c) Provide a note to reference any forest buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Columbia Department of Development Services."

(d) Provide a note to reference any protective covenants governing all forest buffer areas stating: "Any forest buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."

(4) All forest buffer areas shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the City of Columbia Department of Development Services. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.

(5) All lease agreements must contain a notation regarding the presence and location of protective covenants for forest buffer areas and shall contain information on the management and maintenance requirements for the new property owner.

(6) An offer of dedication of a forest buffer area to the City of Columbia Department of Development Services shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area.

(7) The home owners association, restrictive covenant, or other legal entities shall inspect the buffer annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the forest buffer.

(8) Forest buffer areas may be allowed to grow into their vegetative target state naturally, but methods to enhance the successional process such as active reforestation may be used when deemed necessary by the Tennessee Department of Agriculture, Division of Forestry or the City of Columbia Department of Development Services to ensure the preservation and propagation of the buffer area. Forest buffer areas may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving buffer preservation requirements. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-507. <u>Enforcement procedures</u>. (1) The City of Columbia Director of Engineering is authorized and empowered to enforce the requirements of this chapter in accordance with the procedures of this section.

(2) If, upon inspection or investigation, the city engineer or his/her designee is of the opinion that any person has violated any provision of this chapter, he/she shall with reasonable promptness issue a correction notice to the person. Each such notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this chapter that has been violated. In addition, the notice shall set a reasonable time for the abatement and correction of the violation.

(3) If it is determined that the violation or violations continue after the time fixed for abatement and correction has expired, the city engineer shall issue a citation by certified mail to the person who is in violation. Each such notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this chapter that has been violated and what penalty, if any, is proposed to be assessed. The person charged has fifteen (15) days within which to contest the citation or proposed assessment of penalty and to file a request for a hearing with the city engineer or his/her designee. At the conclusion of this hearing, the city engineer or his/her designee will issue a final order, subject to appeal to the appropriate authority. If, within fifteen (15) days from the receipt of the citation issued by the city engineer, the person fails to contest the citation or proposed assessment of penalty, the citation or proposed assessment of penalty shall be deemed the final order of the director.

(4) Any person who violates any provision of this chapter shall be liable for any cost or expenses incurred as a result thereof by the City of Columbia.

(5) Penalties that may be assessed for those deemed to be in violation may include the following:

(a) A civil penalty not to exceed one thousand dollars ($1,000.00) for each violation. Every day that such violation(s) continue will be considered a separate offense.

(b) A criminal penalty in the form of a fine of not more than one thousand dollars ($1,000.00) for each violation, imprisonment for not more than ninety (90) days, or both. Every day that such violation(s) continue will be considered a separate offense.

(c) Anyone who knowingly makes any false statements in any application, record, or plan required by this chapter shall upon conviction be punished by a fine of not more than one thousand dollars ($1,000.00) for each violation, imprisonment for not more than thirty (30) days, or both.

(6) In addition to any other sanctions listed in this chapter, a person who fails to comply with the provisions of this buffer chapter shall be liable to the City of Columbia in a civil action for damages in an amount equal to twice the cost of restoring the buffer. Damages that are recovered in accordance with this action shall be used for the restoration of buffer systems or for the administration of programs for the protection and restoration of water quality, streams, wetlands, and floodplains. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-508. <u>Waivers/variances</u>. (1) This chapter shall apply to all proposed development except for activities that were completed prior to the effective date of the chapter and had received the following:

(a) A valid, unexpired permit in accordance with development regulations.

(b) A current, executed public works agreement.

(c) A valid, unexpired building permit.

(d) A waiver in accordance with current development regulations.

(2) The city engineer may grant a variance for the following:

(a) Those projects or activities for which it can be demonstrated that strict compliance with the chapter would result in a practical difficulty or financial hardship.

(b) Those projects or activities serving a public need where no feasible alternative is available.

(c) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to nontidal wetlands and associated aquatic ecosystems have been addressed.

(d) Those developments which have had buffers applied in conformance with previously issued requirements.

(3) Waivers for development may also be granted in two additional forms, if deemed appropriate by the city engineer:

(a) The buffer width may be reduced at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone (Zone I) is not disturbed by the reduction and no new structures are built within the 100-year floodplain.

(b) The City of Columbia Department of Development Services may offer credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of this chapter. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.

(4) The applicant shall submit a written request for a variance to the director of the department of development services. The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The City of Columbia Department of Development Services may require an alternative analysis that c1early demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.

(5) In granting a request for a variance, the city engineer may require site design, landscape planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, streams, wetlands, and floodplains. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

14-509. <u>Conflict with other regulations</u>. Where the standards and management requirements of this buffer chapter are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply. (as added by Ord. #3736 (amended), Dec. 2007, and replaced by Ord. #3942, March 2013)

Figure 1: Stream Order (Source: Schueler, 1995)

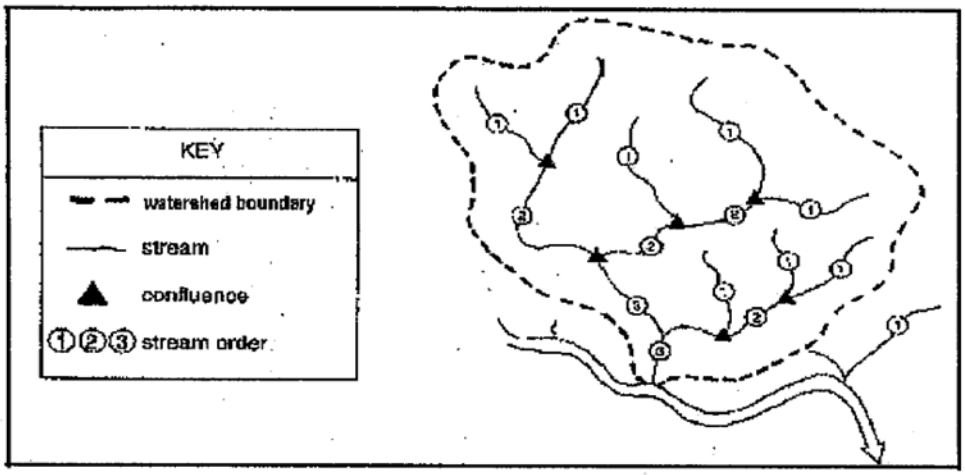
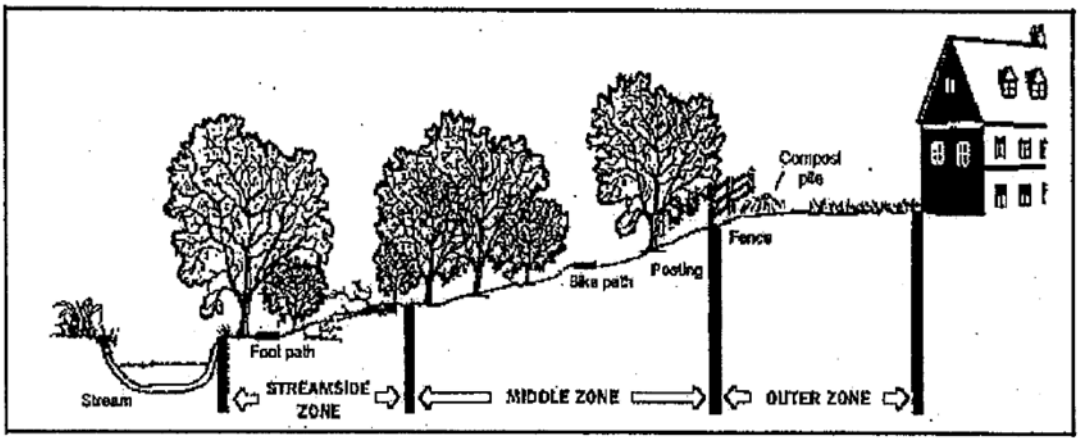


Figure 2: Three Zone Buffer System (Adapted from Welsch, 1991)



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Heraty, M. 1993. Riparian buffer programs: a guide to developing and implementing a riparian buffer program as an urban best management practice. Metropolitan Washington Council of Governments, USEPA Office of Wetlands, Oceans and Watersheds. Washington, DC. Schueler, T. 1995. Site planning for urban stream protection. Metropolitan Washington Council of Governments, USEPA Office of Wetlands, Oceans and Wastershed. Washington, DC. Welsch, D. 1991. Riparian forest buffers. FS Pub. No. NA-PR-07-91. US Department of Agriculture, Forest Service. Forest Resources Management, Radnor, PA.

CHAPTER 6

STORMWATER ADVISORY COMMITTEE (SWAC)

SECTION

14-601. Members.
14-602. General duties of the committee.
14-603. Meeting quorum.
14-604. Hearing procedure; judicial review.
14-605. Severability.

14-601. Members. There is hereby established a committee of seven (7) members to be known as the "storm water advisory committee."

The seven (7) members of this committee shall be selected as follows: Each city council member shall nominate one (1) person from his or her respective ward; the vice mayor and mayor shall each nominate one person from the city at large, one (1) who if possible shall be an environmental engineer or environmental scientist, and one (1) who shall be a person employed or retired from an industrial or commercial establishment regulated by this chapter. All members shall be approved by the city council and shall serve until their successor is appointed. The committee shall appoint its own chairman, vice chairman, and secretary. Members shall serve in their position for a term of two (2) years. Three (3) of the initial members shall serve for a term of three (3) years in order to stagger appointment of new committee members and provide continuity. Such committee members shall be limited to serving two (2) consecutive terms. (as added by Ord. #3765, Oct. 2008)

14-602. General duties of the committee. (1) To recommend from time to time to the City of Columbia, that the provisions of the storm water program be modified or amended;

(2) To hold hearings upon appeals of storm water related orders or actions taken by the city engineer;

(3) To hold hearings relating to the suspension, revocation, or modification of a storm water management permit and issue appropriate orders relating thereto;

(4) To hold hearings relating to an appeal from a user concerning the accuracy of any storm water fees imposed upon the user;

(5) To hold such other hearings as may be required in the administration of this document and to make such determinations and issue such orders as may be necessary to effectuate the purpose of this chapter;

(6) To request assistance from any officer, agent, or employee of the city in obtaining such information or other assistance as the committee might need;

(7) The committee acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the committee. (as added by Ord. #3765, Oct. 2008)

14-603. Meeting quorum. (1) The committee shall hold regular semiannual meetings and such special meetings as the committee may find necessary.

(2) Four (4) members of the committee shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the committee shall require four (4) votes, but a majority of the quorum may decide any procedural matter. (as added by Ord. #3765, Oct. 2008)

14-604. Hearing procedure; judicial review. (1) When to be held. The storm water advisory committee shall schedule an adjudicatory (judicial style) hearing to resolve disputed questions of fact and law whenever provided by any provision of this document.

(2) Record of hearing. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The committee shall have a stenographical recording of all such hearings prepared by a court reporter. Any party coming before the committee shall have the right to have the record transcribed if they wish to seek judicial review of the order or action of the committee by common law writ of certiorari (used by lower courts for judicial review of decisions made by the SWAC), and in such event the parties seeking such judicial review shall pay for the transcription and provide the committee with the original of the transcript so that it may be certified to the court.

(3) Subpoenas. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of the city, if the witness resides within the city. If the witness does not reside in the city, the chairman shall issue a written request that the witness attend the hearing.

(4) Depositions. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

(5) Hearing procedure. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the committee may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as may be necessary or advisable to facilitate an orderly hearing subject to approval of the committee. The committee, the city engineer, or his representative, and all parties shall have the right to examine any witness. The committee shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(6) Appeal to committee regarding city engineer's order. Any person aggrieved by any order or determination by the city engineer may appeal said order or determination to the committee and have such order or determination reviewed by the committee under the provisions of this document. A written notice of appeal shall be filed with the city engineer and with the chairman, and such notice shall set forth with particularity the action or inaction of the city engineer complained of and the relief sought by the person filing said appeal. A special meeting of the committee may be called by the chairman upon the filing of such appeal, and the committee may in its discretion suspend the operation or determination of the city engineer's order until such time as the committee has acted upon the appeal.

(7) Absence of chairman. The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in the chairman's absence or in his stead.

(8) Review of committee's decision. Any person aggrieved by any final order of determination of the committee hereunder shall have the right to judicial review by common law writ of certiorari. (as added by Ord. #3765, Oct. 2008)

14-605. Severability. If any section, subsection, phrase, clause or provision of this chapter shall be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be invalid. (as added by Ord. #3765, Oct. 2008)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. BICYCLE SAFETY.

CHAPTER 1

MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. One-way streets.
15-104. Unlaned streets.
15-105. Laned streets.
15-106. Yellow lines.
15-107. Miscellaneous traffic-control signs, etc.
15-108. General requirements for traffic-control signs, etc.
15-109. Unauthorized traffic-control signs, etc.
15-110. Presumption with respect to traffic-control signs, etc.

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[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

[2]State law references
Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-111. School safety patrols and mother's school patrol.
15-112. Driving through funerals or other processions.
15-113. Clinging to vehicles in motion.
15-114. Riding on outside of vehicles.
15-115. Backing vehicles.
15-116. Projections from the rear of vehicles.
15-117. Causing unnecessary noise.
15-118. Vehicles and operators to be licensed.
15-119. Passing.
15-120. Damaging pavements.
15-121. Trucks required to use truck routes.
15-122. Traffic control on the public square.
15-123. Reckless driving.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1968 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1968 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1968 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1968 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1968 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1968 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.[1] It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city. (1968 Code, § 9-113)

15-108. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, and shall be uniform as to type and location throughout the city. (1968 Code, § 9-114, modified)

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[1]Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking or device or any railroad sign or signal. (1968 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1968 Code, § 9-116)

15-111. School safety patrols and mother's school patrol. All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police, and are acting in accordance with instructions; provided, that such persons giving any order, signal or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

There is also hereby created a mother's school patrol to be composed of patrolwomen who shall help supervise and control traffic upon the streets of the City of Columbia in and around the areas of the public schools. They shall have the authority only to make citation arrests and shall report to the city manager the names of the drivers (when known) of motor vehicles and/or the license number of such vehicles violating any of the traffic laws and traffic ordinances of the City of Columbia.

All patrolwomen shall be appointed by the city manager and shall serve only during the regular school year. They shall be under the supervision and control of the Chief of Police of the City of Columbia.

Uniforms for patrolwomen appointed to the mother's school patrol shall be furnished by the City of Columbia, Tennessee. The patrol women shall receive a salary to be fixed by the city council. (1968 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1968 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any

other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley or other public way or place. (1968 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

No person on the streets of the city shall transport a child under the age of twelve (12) years in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style; except when such vehicle is being used as part of an organized parade, procession or other ceremonial event and when such vehicle is not exceeding the speed of twenty miles per hour. (1968 Code, § 9-121, as amended by Ord. #3325, Sept. 1999)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1968 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1968 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1968 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1968 Code, § 9-125)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again

drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1968 Code, § 9-126)

15-120. <u>Damaging pavements</u>. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1968 Code, § 9-119)

15-121. <u>Trucks required to use truck routes</u>. When the city council has designated adequate "truck routes" through the City of Columbia, and appropriate signs giving notice thereof have been posted, it shall be unlawful, except as hereinafter provided, for any person to operate any truck rated at one ton or more over any city street not designated as a truck route. Trucks making deliveries or pickup on streets not on a truck route may do so provided that a truck route is used until reaching the intersection nearest the destination point and then returned to by the most direct route. (1968 Code, § 9-127)

15-122. <u>Traffic control on the public square</u>. The operator of a vehicle approaching the public square of the City of Columbia shall yield the right of way to vehicles which have entered the public square and are being operated thereon; the vehicle traveling on said public square shall have the right of way as to those vehicles entering same. (1968 Code, § 9-128)

15-123. <u>Reckless driving</u>. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1968 Code, § 9-107)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.
15-202. Operation of authorized emergency vehicles.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1968 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.[1] (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

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[1]Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

consequences of his reckless disregard for the safety of others. (1968 Code, § 9-103)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1968 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1968 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.
15-302. At intersections.
15-303. In school zones and near playgrounds.
15-304. In congested areas.
15-305. Specific speed limitations.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of twenty-five (25) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply and except as otherwise provided in this chapter. (Ord. #3516, Sept. 2003)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1968 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1968 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1968 Code, § 9-204)

15-305. Specific speed limitations. All provisions of this chapter and all provisions of the Columbia Municipal Code to the contrary notwithstanding the following specific speed limits shall be in effect as to the following streets and it shall be unlawful for any person to operate or drive a motor vehicle upon

such streets in excess of the speed limits herein set forth as Exhibit "A."[1] (Ord. #3516, Sept. 2003)

[1]Exhibit "A" is of record in the office of the city recorder.

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.[1] (1968 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1968 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1968 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1968 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1968 Code, § 9-305)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. Upon approach of authorized emergency vehicles.
15-502. When emerging from alleys, etc.
15-503. To prevent obstructing an intersection.
15-504. At railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. At pedestrian-control signals.
15-510. Stops to be signaled.
15-511. Location of stop signs at specific intersections.
15-512. Location of yield signs at specific intersections.
15-513. Location of traffic control signals at specific intersections.

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1968 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1968 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on

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[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1968 Code, § 9-403)

15-504. <u>At railroad crossings</u>. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1968 Code, § 9-404)

15-505. <u>At "stop" signs</u>. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1968 Code, § 9-405)

15-506. <u>At "yield" signs</u>. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1968 Code, § 9-406)

15-507. <u>At traffic-control signals generally</u>. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) <u>Green alone, or "Go"</u>:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1968 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1968 Code, § 9-408)

15-509. At pedestrian-control signals. Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1968 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1968 Code, § 9-410)

15-511. Location of stop signs at specific intersections. All provisions of this chapter and all provisions of the Columbia Municipal Code to the contrary notwithstanding, the following specific intersections shall have stop signs for traffic on the intersecting streets and the failure of a person to obey such stop signs shall be a violation of § 15-505 of the Columbia Municipal Code and the penalties determined accordingly. The location of the stop signs, the type of intersection and the number of stop signs are as follows:

(Exhibit A attached hereto and incorporated herein by reference.)[2] (1968 Code, § 9-411)

15-512. Location of yield signs at specific intersections. All provisions of this chapter and all provisions of the Columbia Municipal Code to the contrary not withstanding, the following specific intersections shall have yield signs for traffic on the intersecting streets and the failure of a person to obey such yield signs shall be a violation of § 15-506 of the Columbia Municipal

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

[2]See exhibit to Ord. #1700, and amendments thereto, of record in the city recorder's office.

Code and the penalties determined accordingly. The location of the yield signs, the type of intersection and the number of yield signs are as follows:

(Exhibit B attached hereto and incorporated herein by reference.)[1] (1968 Code, § 9-412)

15-513. <u>Location of traffic control signals at specific intersections</u>. All provisions of this chapter and all provisions of the Columbia Municipal Code to the contrary notwithstanding, the following specific intersections shall have traffic control signals for traffic on the intersecting streets and the failure of a person to obey such traffic control signals shall be a violation of § 15-507 of the Columbia Municipal Code and the penalties determined accordingly. The location of the traffic control signals, the type of intersection and the number of traffic control signals are as follows:

(Exhibit C attached hereto and incorporated herein by reference.)[2] (1968 Code, § 9-413)

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[1]See exhibit to Ord. #1700 of record in the city recorder's office.

[2]See exhibit to Ord. #1700 of record in the city recorder's office.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Parking spaces.
15-603. Where prohibited.
15-604. Regulation of parking.
15-605. Classification of parking spaces.
15-606. Unlawful to occupy more than one parking space.
15-607. Unlawful to deface or tamper with signs or markings.
15-608. Presumption with respect to illegal parking.
15-609. Parking of a trailer or trailers on the public streets and roads.
15-610. Parking in city owned and maintained parks.
15-611. Designation of tow-away zones and the towing and storage of illegally parked vehicles.
15-612. Block parking zone created and defined.
15-613. Parking restrictions within block parking zone.
15-614. Overtime parking in block parking zone.
15-615. Violations of parking restrictions in block parking zones.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

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

For the purpose of this chapter:

(1) The word "vehicle" shall mean 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.

(2) The word "street" shall mean any public street, avenue, road, alley, highway, lane, path or other public place located in the City of Columbia, and established for the use of vehicles.

(3) The word "person" shall include any individual, firm, co-partnership, association or corporation.

(4) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.

(5) The word "park" or "parking" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

(6) All streets as herein defined located within the corporate limits of the City of Columbia shall be subject to this chapter, but nothing herein shall be construed to require the city manager to designate all streets to be within any of the classifications herein provided, said specific designation being left to the discretion of the city manager in conformity to the provisions of this chapter. (1968 Code, § 9-501)

15-602. <u>Parking spaces</u>. All spaces for parking of vehicles in the City of Columbia whether providing angle parking or parallel parking shall be as designated by the city manager. On those streets or parts of streets which shall be designated for angle parking no person shall park or stand a vehicle other than at the angle indicated by signs or markings erected at such parking spaces. On those streets or parts of streets designated for parallel parking no person shall park or stand a vehicle except within the area indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of 24 feet. No person shall parallel park any vehicle where any portion of said vehicle extends in front or rear beyond the limits of the markings designating a parallel parking space. (1968 Code, § 9-502)

15-603. <u>Where prohibited</u>. No person shall park a vehicle in violation of any sign placed or erected by the city, nor:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection or within twenty-five (25) feet thereof;

(4) Within fifteen (15) feet of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within fifty (50) feet of a railroad crossing;

(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(10) Upon any bridge;

(11) Alongside any curb painted yellow or red by the city. (1968 Code, § 9-504, as amended by Ord. #3492, April 2003)

15-604. Regulation of parking. Except as otherwise provided in this code, no person shall park any vehicle on any streets or parts of streets regulated as herein provided between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, except in the manner and upon the conditions herein provided. (1968 Code, § 9-506)

15-605. Classification of parking spaces. All spaces whether providing angle parking or parallel parking are hereby classified as follows:

(1) "Class A" parking spaces. Those parking spaces designated by the city manager to provide for one (1) hour of free parking shall be "Class A" parking spaces. Such parking spaces shall be marked by sign or otherwise in such manner as to clearly inform persons parking vehicles in such spaces of such one (1) hour free parking limitation.

(2) "Class B" parking spaces. Those parking spaces designated by the city manager to provide for three (3) hours free parking shall be "Class B" parking spaces. Such parking spaces shall be marked by sign or otherwise in such manner as to clearly inform persons parking vehicles in such spaces of such three (3) hours free parking limitation.

(3) "Class C" parking spaces. Those parking spaces designated by the city manager to provide for parking upon the issuance of a permit for permanent downtown residents and downtown employees shall be "Class C" parking spaces. Such parking spaces shall be marked by sign or otherwise in such manner as to clearly inform persons parking vehicle in such spaces of such permit parking. The fee for such permit shall be sixty dollars ($60.00) per year.

(4) "Class D" parking spaces. Those parking spaces designated by the city manager to provide for free parking on any terms other than the terms set forth in "Class A," "Class B," and "Class C" parking spaces shall be "Class D" parking spaces. Such "Class D" parking spaces shall be identified by sign or

other marking clearly indicating to persons using such "Class D" parking spaces, the terms, limitations, and conditions under which vehicles may be parked in such "Class D" spaces. (Ord. #3492, April 2003, as replaced by Ord. #3828, Dec. 2009)

15-606. Unlawful to occupy more than one parking space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking space regardless of the classification of such parking space so that such vehicle is not entirely within the designated parking space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two (2) adjoining spaces. In the event such vehicle too large to park in one (1) space occupies two (2) adjoining spaces, the limitations upon parking designated upon the signs or markings for such parking spaces shall apply to such vehicle as to both parking spaces. In the event such adjoining parking spaces are spaces of different classification one to the other, the classification providing for the shorter time of free parking shall apply to both such adjoining parking spaces. (1968 Code, § 9-509)

15-607. Unlawful to deface or tamper with signs or markings. It shall be unlawful for any unauthorized person to deface, damage, tamper with, wilfully break, destroy or otherwise harm any sign or marking erected or placed as provided in this code. (1968 Code, § 9-510)

15-608. Presumption with respect to illegal parking. When any vehicle is found parked in violation of any provision of this code there shall be a rebuttable presumption that the registered owner of such vehicle is responsible for such illegal parking. (1968 Code, § 9-512)

15-609. Parking of a trailer or trailers on the public streets or roads. It shall be unlawful to park any trailer upon the roads, streets or public ways of the City of Columbia, except in the spaces marked or designated by the City Manager of the City of Columbia. The word "trailer" shall be defined as a separate vehicle, not driven or propelled by its own power, but drawn by some independent power. The operator of any trailer parked in violation of this chapter shall be fined fifty dollars ($50.00) for each such violation. (Ord. #3492, April 2003)

15-610. Parking in city owned and maintained parks. (1) The City Council of the City of Columbia, Tennessee, has determined that it would be in the best interest for the safety and well-being of the its citizens that parking be regulated in all parks owned and maintained by the City of Columbia, Tennessee.

(2) No vehicle will be allowed to park upon the grass areas of any park owned and maintained by the City of Columbia, without the prior written consent of either the City Manager of the City of Columbia or the Director of Parks and Recreation for the City of Columbia.

(3) Any person violating this section will be fined fifty dollars ($50.00) for each such violation. (1968 Code, § 9-516)

15-611. Designation of tow-away zones and the towing and storage of illegally parked vehicles. The Chief of Police of the City of Columbia is hereby authorized to designate parking areas within the corporate limits of the City of Columbia as tow-away zones where parking in such areas would create or constitute a traffic hazard, block the use of a fire hydrant, obstruct or may obstruct the movement of any emergency vehicle or in any other manner constitute a hazard or danger to public safety. The zones so designated shall be clearly marked by signs and other methods stating that vehicles parked in such zones are subject to being towed and also provide a telephone number where a person whose vehicle is towed may call for information. Vehicles so towed away shall be stored at the site of the commercial towing service that towed such vehicle and shall not be restored to the owner or operator of such vehicle until all costs of towing and storage are paid in full to such towing service. The charges set forth herein are in addition to any other fine or cost incurred by the owner or operator of such vehicle as a result of such illegal parking. (Ord. #1895, Sept. 1992)

15-612. Block parking zone created and defined. A block parking zone is hereby created in the City of Columbia. A block parking zone is any side of a block or blocks designated in the central business district for which parking is restricted through the use of parking meters or other time restrictions pursuant to this chapter. Said block parking zone shall be within the region from West 8th Street North to West 5th Street and from Garden Street East to Woodland Street. Each time a vehicle exceeds the restrictions contained herein, shall be considered a separate violation and subject to the imposition of additional fines. (Ord. #3492, April 2003)

15-613. Parking restrictions within block parking zone. No person shall park a vehicle within a designated block parking zone beyond a specified period of time within a period of twenty-four (24) hours. Such time period shall begin when the vehicle is first parked in a blocked parking zone. (Ord. #3492, April 2003, as replaced by Ord. #3801, April 2009)

15-614. Overtime parking in block parking zone. It shall be a violation of this chapter for any person or driver to cause, allow, or permit any

motor vehicle registered in his or her name or operated or controlled by him or her to be parked in any block parking zone beyond the maximum amount of time allowed for parking by the parking time restrictions within the specified block parking zone. (Ord. #3492, April 2003)

15-615. <u>Violations of parking restrictions in block parking zone</u>. Each and every hour during which a motor vehicle shall remain unlawfully parked in any block parking zone shall constitute a separate and distinct violation of this chapter, subject to a fine of twenty-five dollars ($25.00) for each violation. In the event any citation is paid within a twenty-four (24) hour period of its issuance, said fine shall be reduced to five dollars ($5.00). (Ord. #3492, April 2003)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Violation and penalty.
15-706. Handicapped parking spaces.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1968 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1968 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within forty-eight (48) hours during the hours and at a place specified in the citation. (1968 Code, § 9-604, modified)

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

15-704. Impoundment of vehicles.[1] Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars ($5.00) and a storage cost of one dollar ($1.00) per day shall also be charged. (1968 Code, § 9-601)

15-705. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) Parking citations. If the offense is a parking violation, the offender may, within seventy-two hours, excluding Saturdays, Sundays and legal holidays, have the charge against him disposed of by paying the city recorder a fine of $5.00 for the first violation within a thirty (30) day period and $10.00 each for the second and subsequent violations within said thirty (30) day period, provided he waives his right to a judicial hearing. If said violation is not disposed of within said seventy-two hour period, excluding Saturdays, Sundays and legal holidays, the offender may have the charge against him disposed of prior to the issuance of a citation by paying the city recorder a fine of $15.00, provided he waives his right to a judicial hearing. Upon a finding of the city court that the offender is guilty of any violation of the parking provision of this code, he shall be fined an amount of not less than $25.00 plus costs nor more than $50.00 plus costs. (Ord. #1973, Nov. 1993, modified)

15-706. Handicapped parking spaces. (1) Definitions. For the purpose of this section:

(a) "Handicapped" means those people who are mobility-limited, unable to move about freely without restrictions.

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[1]State law reference

Tennessee Code Annotated, §§ 55-16-103--55-16-110.

(b) "Properly identified parking space" means a parking space with a sign carrying the handicapped designation visible to a motorist driving a motor vehicle.

(c) "Properly identified vehicle" means a vehicle bearing any of the following: A handicapped symbol or special state-issued limited-use permit prominently displayed on the windshield or a license plate issued to disabled veterans or handicapped persons.

(d) "Adequate time" means one (1) hour.

(e) "Disabled parking enforcement volunteers" shall be those persons as defined by Tennessee Code Annotated, § 55-21-110.

(2) Unlawful activities -- removal of vehicles. The parking, stopping or standing of any personal property, including motor vehicles not properly identified as being used by a handicapped person, or any other means of obstructing handicapped parking spaces on private and public property shall be prohibited at all times pursuant to the inherent and statutory powers of the City of Columbia, Tennessee, to preserve the health, welfare and safety of its citizens. Any vehicle or other personal property found to be parked or standing in a handicapped parking space not identified as used by a handicapped person shall, with the consent of the owner, lessee or other person in possession or control of the real estate where such a handicapped parking space has been established if on private property, be towed away or removed upon request of any law enforcement officer or disabled parking enforcement volunteer after the vehicle has been cited by the police or disabled parking enforcement volunteer and adequate time has been given the owner to remove the vehicle or personal property. The owner of such personal property shall be responsible for all tow-in charges and resulting storage charges, if any.

(3) Violation -- penalty. The owner of any personal property or motor vehicle found in violation of this section shall be subject to a fine of not less than $25.00 plus costs nor more than $50.00 plus costs.

(4) Enforcement. The provisions of Tennessee Code Annotated, § 55-21-108 shall be enforced within the corporate limits of the City of Columbia, Tennessee, whether violations occur on public or private property. (Ord. #1973, Nov. 1993, as amended by Ord. #3178, Sept. 1997)

CHAPTER 8

BICYCLE SAFETY

SECTION

15-801. Definitions.
15-802. Purpose.
15-803. Child bicycle safety rules and regulations.
15-804. Penalty; defense; inadmissibility as evidence in civil action.

15-801. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Bicycle" means a human-powered vehicle with two (2) wheels in tandem designed to transport, by the action of pedaling, one (1) or more persons seated on one (1) or more saddle seats on its frame. "Bicycle" also includes a human-powered vehicle designed to transport by pedaling which has more than two (2) wheels where the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.

(2) "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

(3) "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the state or the City of Columbia and is designed for use and used by vehicular and/or pedestrian traffic.

(4) "Passenger" means any person who travels on a bicycle in any manner except as an operator.

(5) "Protective bicycle helmet" means a piece of head gear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation, or which is otherwise approved by the chief of police.

(6) "Public bicycle path" means a right-of-way under the jurisdiction and control of the state or the City of Columbia for use primarily by bicycles and pedestrians.

(7) "City street or roadway" means a right-of-way under the jurisdiction and control of the City of Columbia for use primarily by motor vehicles.

(8) "Restraining seat" means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.

(9) "Tricycle" means a three-wheeled human-powered vehicle. (Ord. #3242, July 1998)

15-802. **Purpose**. The purpose of this chapter is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that, while riding on a bicycle on city streets and roadways, all bicycle operators and passengers under the age of sixteen (16) years wear approved protective bicycle helmets; that all bicycle passengers who weigh less than forty pounds (40 lbs.) or are less than forty inches (40") in height be seated in separate restraining seats; and that no person who is unable to maintain an erect seated position shall be a passenger in a bicycle restraining seat. (Ord. #3242, July 1998)

15-803. **Child bicycle safety rules and regulations**. With regard to any bicycle used on a city street or roadway, it is unlawful:

(1) For any person under the age of sixteen (16) to operate or be a passenger on a bicycle unless at all times when so engaged such person wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.

(2) For any person to be a passenger on a bicycle unless, with respect to any person who weighs fewer than forty pounds (40 lbs.), or is less than forty inches (40") in height, the person can be and is properly seated in and adequately secured to a restraining seat.

(3) For any parent or legal guardian of a person below the age of sixteen (16) to knowingly permit such person to operate or be a passenger on a bicycle in violation of subdivision (1) or (2).

(4) To rent or lease any bicycle to or for the use of any person under the age of sixteen (16) unless;

(a) The person is in possession of a protective bicycle helmet of good fit at the time of such rental or lease; or

(b) The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subdivision (1), at all times while operating or being a passenger on the bicycle. (Ord. #3242, July 1998)

15-804. **Penalty; defense; inadmissibility as evidence in civil action**. (1) Except as provided in subsection (2) below, any adult person violating any requirement set forth in § 15-803, shall be guilty of a violation and upon conviction sentenced to pay a fine of two dollars ($2.00) and court costs.

(2) Upon commission of the first offense within a twelve month period under § 15-803(3), it shall be a defense that the accused has since the date of the violation purchased or provided a protective bicycle helmet or a restraining seat, and uses and intends to use or causes to be used or intends to cause to be used the same as the law requires.

(3) In no event shall failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat be admissible as evidence in a trial of any civil action. (Ord. #3242, July 1998)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. ACCEPTANCE OF RIGHTS-OF-WAY FOR STREETS, SANITARY SEWERS, UTILITY EASEMENTS, AND DRAINAGE EASEMENTS.
4. PARADES.
5. ROAD CLOSINGS.
6. MASS GATHERINGS/SPECIAL EVENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Numbering of primary structures required.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Animals and vehicles on sidewalks.
16-111. Fires in streets, etc.
16-112. Speed bumps on public streets.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk or right of way for the purpose of storing, selling or exhibiting any goods, wares, merchandise, or materials. (1972 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1972 Code, § 12-202)

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[1]Municipal code reference
Related motor vehicle and traffic regulations: title 15.

16-103. <u>Trees, etc., obstructing view at intersections prohibited</u>. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1972 Code, § 12-203)

16-104. <u>Projecting signs and awnings, etc., restricted</u>. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1972 Code, § 12-204)

16-105. <u>Banners and signs across streets and alleys restricted</u>. It shall be unlawful for any person to place or cause to be placed any banner or sign across any public street or alley except for an arm of the city or county government or any public organization promoting tourism or economic development and these have to be expressly approved by city council. (1968 Code, § 12-105, as amended by Ord. #3262, Nov. 1998)

16-106. <u>Gates or doors opening over streets, alleys, or sidewalks prohibited</u>. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1972 Code, § 12-206)

16-107. <u>Numbering of primary structures required</u>. (1) All primary structures, or a portion thereof, within the City of Columbia, Tennessee, shall be numbered in an orderly sequence, said numbers to be arabic numerals at least three (3) inches in height, or of sufficient height so as to be visible from the public street or highway and are to be placed upon the primary structure itself when practicable. The numbers are to be in a contrasting color with that of the structure.

(2) The Engineering Department and the Fire Department of the City of Columbia, Tennessee, are hereby authorized to establish and put into force and effect a uniform plan for the numbering of all primary structures.

(3) The engineering department and the fire department are further authorized to change existing numbers on primary structures to comply with the overall plan for numbering.

(4) The engineering department and the fire department are authorized to establish the requirements for compliance with the provisions of this section prior to the issuance of a certificate of occupancy.

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[1]Municipal code reference
Building code: title 12, chapter 1.

(5) The Engineering Department and the Fire Department of the City of Columbia are authorized and empowered to enforce compliance with the provisions of this section.

(6) A twenty-five dollar ($25.00) fine will be levied for noncompliance with the provisions of this section. (1968 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1972 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc.[1] The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1972 Code, § 12-209)

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1972 Code, § 12-212)

16-111. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1972 Code, § 12-213)

16-112. Speed bumps on public streets. The City of Columbia, Tennessee, through its department of streets from and after the effective date of this section, shall not install any speed bumps on the public streets of the City of Columbia, Tennessee. (1968 Code, § 12-214)

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[1]Municipal code reference
Litter control: title 20.

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Inspection.
16-210. Driveway curb cuts.

16-201. Permit required. No person shall make any cut or excavation in any street, alley or public place, or tunnel under any street, alley or public place without complying with the provisions of this chapter. It shall be unlawful to violate, or vary from, the terms of any such permit, provided, however, any person maintaining underground facilities may proceed with an excavation without a permit in an emergency. The person shall thereafter apply for a permit on the first regular city business day. (1972 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association or others doing the actual excavating, the name of the person, firm, corporation, association or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Where necessary, a map or plat shall be provided by the applicant, showing the exact location of the proposed work, the depth of cut and location of other underground structures. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1972 Code, § 12-102)

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[1]State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

16-203. **Fee**. The fee for such permits shall be five dollars ($5.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels. (1972 Code, § 12-103)

16-204. **Deposit or bond**. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit in the sum of twenty-five dollars ($25.00) if no pavement is involved or one hundred dollars ($100.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city manager a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1972 Code, § 12-104)

16-205. **Manner of excavating--barricades and lights--temporary sidewalks**. Any person making any excavation or tunnel shall do so according to the terms and conditions of this chapter. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk may be required. (1972 Code, § 12-105)

16-206. **Restoration of streets, etc**. Any person making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place in a craftsman-like manner within seven (7) days using size seven stone, twelve inch pug mill and three inch hot mix asphalt with said pavement being either rolled or pressed, if hot mix is not available, then cold mix will be used until hot mix is available. In case of unreasonable delay in restoring the street, alley or public place, the city shall give notice to the permit holder that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to the permit holder's deposit. The permit holder shall be responsible for maintenance of the excavation for a period of one year from the first of July after the wearing surface has been restored. During this time the permit holder shall make such repairs as are necessary or the city shall cause repairs to be made and such costs shall be charged to the

permit holder. Prior to the lapse of the maintenance period the city manager shall cause a final inspection to be made of all excavations and each excavation shall be either released from further maintenance by the permit holder or shall be restored in a manner directed by the city manager at the expense of the permit holder. (1968 Code, § 12-106, as amended by Ord. #3005, Oct. 1995)

16-207. Insurance. Each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000.00 for each person and $300,000.00 for each accident, and for property damages not less than $25,000.00 for any one (1) accident, and a $75,000.00 aggregate. (1968 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city. (1972 Code, § 12-108)

16-209. Inspection. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1972 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1972 Code, § 12-110)

CHAPTER 3

ACCEPTANCE OF RIGHTS-OF-WAY FOR STREETS, SANITARY SEWERS, UTILITY EASEMENTS, AND DRAINAGE EASEMENTS

SECTION

16-301. Acceptance of rights-of-way for streets, utility easements and drainage easements.
16-302. Acceptance of sanitary sewer easements.

16-301. Acceptance of rights-of-way for streets, utility easements and drainage easements. No street right-of-way, utility easement or drainage easement shall be accepted for maintenance as a public facility unless accepted by the City Council of the City of Columbia, by resolution. The city engineer shall be responsible to have all street rights-of-way, utility easements and drainage easements inspected and shall report to the city council the findings of the inspection concerning the condition of any street right-of-way, utility easement or drainage easement sought to be dedicated to the city. After the report of the city manager, the city council shall decide by resolution to accept or reject the proposed dedication. (1968 Code, § 12-301)

16-302. Acceptance of sanitary sewer easements. No sanitary sewer easement shall be accepted for maintenance as a public sewer unless accepted by the City Council of the City of Columbia, by resolution. The wastewater department director shall be responsible to have all such sewers and their easements inspected and shall report to the city council the findings of the inspection concerning the condition of the sewer and easement sought to be dedicated to the city. After the report of the wastewater department director, the city council shall decide by resolution to accept or reject the proposed dedication. (1968 Code, § 12-302)

CHAPTER 4

PARADES

SECTION

16-401. Short title.
16-402. Definitions.
16-403. Purposes.
16-404. Permit.
16-405. Application.
16-406. Standards for issuance.
16-407. Contents of permit.
16-408. Duties of permittee.
16-409. Revocation of permit.
16-410. Notice to city officials.
16-411. Violation and penalty.

16-401. Short title. This title shall be known and may be cited as the "Parade Regulations of the City of Columbia." (Ord. #1923, March 1993)

16-402. Definitions. The following words, for the purpose of this chapter, shall have the following meanings:

(7) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly or other such event to be held in or upon any street, park or other public place in the City of Columbia.

(8) "City" is the City of Columbia.

(9) "Mayor and council" is the Mayor and City Council of the City of Columbia.

(10) "Recorder" is the City Recorder of the City of Columbia.

(11) "Chief of police" is the Chief of the Police Department of the City of Columbia.

(12) "Parade permit" is a permit required by this chapter.

(13) "Person" is any person, firm, group, partnership, association, corporation, company or organization of any kind. (Ord. #1923, March 1993)

16-403. Purposes. (1) The City of Columbia recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The City of Columbia has adopted this chapter to regulate the time, place and manner of parades.

(3) The City of Columbia has adopted this chapter in the interest of all its citizens, public safety, health, welfare, comfort and convenience.

(4) The City of Columbia has limited resources and has adopted this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety and tranquility in the streets of the City of Columbia.

(6) This chapter has also been adopted to help minimize traffic and business interruptions during parades. (Ord. #1923, March 1993)

16-404. <u>Permit</u>. No person shall parade unless a parade permit has been obtained from the City of Columbia. It shall be unlawful to hold a parade without the proper permit. It is understood that nothing in this chapter shall be construed to apply to funeral processions. (Ord. #1923, March 1993)

16-405. <u>Application</u>. (1) Any person seeking issuance of a parade permit shall file an application with the recorder on forms provided by the recorder. The recorder shall transmit such application to the police chief for his approval, such approval to be given after consultation with the city manager.

(2) The application for a parade permit shall be filed in writing with the recorder not less than thirty (30) days prior to the contemplated parade. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address and telephone number of the person who will be parade chairperson and who will be responsible for its conduct;

(c) The date when the parade is to be conducted;

(d) The route to be traveled, the starting point and the termination point;

(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

(f) The hours when the parade will begin and end;

(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(h) The location by streets of any assembly area(s);

(i) The time at which units of the parade will begin to assemble at any assembly area(s);

(j) The interval of space to be maintained between units of the parade;

(k) If the parade is to be held on behalf of any person or organization other than the applicant, the authorization of that person or organization; and

(l) The amount of public liability insurance carried by the applicant or his or her organization and the company and agent through whom such coverage was obtained.

(4) The city manager and the chief of police shall decide whether to grant the application for a permit.

(5) The city manager and the chief of police shall have the authority to designate the starting point, route, terminal point or other time, place and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. (Ord. #1923, March 1993, as amended by Ord. #3193, Nov. 1997, and Ord. #3196, Dec. 1997)

16-406. <u>Standards for issuance</u>. (1) The recorder and authorization from the city manager and the chief of police shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;

(d) The applicant has satisfied bond requirements and liability insurance requirements; and

(2) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty dollar ($250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.

(3) No permit shall be granted to any person until the applicant has by proper documentation that such applicant has public liability insurance coverage for personal injury and property damage with the City of Columbia named therein as an additional insured in an amount determined by the city manager.

(4) The recorder shall notify the applicant within five (5) days after the determination of the city manager and the chief of police whether the permit has been granted or denied. If the permit has been denied, the recorder shall set forth the reasons for such denial.

(5) In computing any period of time set out in this chapter, no Saturdays, Sundays nor legal holidays are to be computed in the time period. (Ord. #1923, March 1993, as amended by Ord. #3399, March 2001)

16-407. <u>Contents of permit</u>. Each parade permit shall state the following:

(1) Assembly and disassembly time and place;

(2) Starting time;

(3) The route and the portions of the streets to be traversed that may be occupied by the parade;

(4) Minimum speed;

(5) Maximum speed;

(6) Interval of space between parade units;

(7) The maximum length of the parade in miles or fractions thereof, and

(8) Any other information as the city manager and the chief of police shall find necessary to the enforcement of this chapter. (Ord. #1923, March 1993)

16-408. <u>Duties of permittee</u>. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his or her person during the parade. (Ord. #1923, March 1993)

16-409. <u>Revocation of permit</u>. (1) The city manager or his or her designee in consultation with the chief of police shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

(a) Applicant materially misrepresented facts or information in the application; and/or

(b) Applicant failed to meet the standards and requirements for issuance set forth herein.

(2) The city manager or his or her designee in consultation with the chief of police shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence or other breach of the peace, incited by parade participants, occurs. (Ord. #1923, March 1993)

16-410. <u>Notice to city officials</u>. Immediately upon the issuance of a parade permit, the recorder shall send a copy of the permit to the following:

(1) Mayor and members of council;

(2) City manager;

(3) City attorney;

(4) Chief of police;

(5) Fire chief; and

(6) Director of Maury County Ambulance Service. (Ord. #1923, March 1993)

16-411. <u>Violation and penalty</u>. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets, parks or other public areas of the City of Columbia for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars ($50.00) for each violation. (Ord. #1923, March 1993)

CHAPTER 5

ROAD CLOSINGS

SECTION

16-501. General.
16-502. Petition for closing roads.
16-503. Planning commission evaluation.
16-504. Minimum requirement.

16-501. General. The following procedures and minimum standards are adopted by the City of Columbia pursuant to Tennessee Code Annotated, § 13-4-104, which provides that the legislative body shall receive the recommendations of the planning commission before accepting, vacating or changing the use of any road. These procedures shall govern the closing and termination of all roads within the City of Columbia. A road closing shall be considered a last resort to providing relief for traffic problems occurring on any road within the City of Columbia. (as added by Ord. #3684, Feb. 2007)

16-502. Petition for closing roads. (1) Any citizen of the City of Columbia or group of citizens wishing to have a road closed shall petition the city council requesting the closing of a road by name. The petition shall be delivered to the office of the city manager, who will forward the petition to the director of planning.

(2) At a minimum, the petition requesting closure of the road in question shall be signed by all owners of property contiguous to such road with the exception of owners of such property where a road stubs. In addition, a majority of the owners of property directly affected by such proposed road closing shall also execute such petition. For the purposes of this chapter, all owners of lots in a subdivision or interconnected subdivision(s) are considered to be directly affected by a proposed closing.

(3) The petition shall include a reason for the closing of the road and the reason shall be included on the heading of the petition so that all signers are aware of the reason for the petition.

(4) Nothing in the foregoing shall be deemed to abrogate the right of the city council or the planning commission to initiate the closing of local roads or streets. (as added by Ord. #3684, Feb. 2007)

16-503. Planning commission evaluation. (1) Upon receipt of the petition the director of planning will notify all utilities that provide services to the City of Columbia of the action being considered and will request information concerning the effect that a closing might have on existing and future utilities.

(2) The director of planning will notify each department of the city that will be effected by the closing and will require information, in writing, concerning the effect that a closing might have on current and future service.

(3) The city engineer, planning director and all city departments affected will evaluate the advisability of the proposed closing and will examine any and all alternatives that may provide an alternative to the road closing.

(4) The director of planning shall formulate a report to the planning commission which shall encompass:

(a) A recommendation on the proposed closing in light of planning guidelines and local policy, including alternatives such as acceptable traffic calming measures. For the purposes of this chapter, "speed bumps" shall not be considered as an acceptable traffic calming measure.

(b) The recommended method for closing the street.

(c) A recommendation on any variances or exceptions to the subdivision regulations which might be desirable to accomplish the closing.

(d) A recommendation on the disposition of rights-of-way and retention easements.

(5) The planning commission shall make a report to the city council, including its recommendation and all information supplied in the staff report.

(6) The city council shall act upon the petition by ordinance. (as added by Ord. #3684, Feb. 2007)

16-504. Minimum requirement. (1) The same minimum requirements for the acceptance of subdivision roads as specified in the subdivision regulations shall be required for the closing of a road. Generally, the closing of a road will effectively change conditions on the recorded plat, thus requiring an amendment to said plat. The petitioners shall be responsible for drawing of the revised plat and the director of planning shall be responsible for the recording of such plat. Except as indicated above, the petitioners shall be responsible for all costs incurred by the closing.

(2) The actual construction of the closing shall be as any public works project and will be bid and managed by the city engineer. (as added by Ord. #3684, Feb. 2007)

CHAPTER 6

MASS GATHERINGS/SPECIAL EVENTS

SECTION

16-601. Purpose.
16-602. Definitions.
16-603. Exemptions.
16-604. Special event permit required, violations, and penalties.
16-605. General provisions.
16-606. Financial assurance.
16-607. Amount and type of services and equipment required.
16-608. Fees and terms of payment.
16-609. Special Plan for Event Contingencies (SPEC).
16-610. Dissemination of SPEC.
16-611. Application process.
16-612. Authority to alter, suspend, or terminate a special event.
16-613. Grievance procedures.
16-614. Severability.

16-601. Purpose. The purpose of this legislation is to set forth permitting procedures and requirements for special events in a way that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; protect the safety of the public; and reduce the threats or effects of terrorism or weapons of mass destruction. (as added by Ord. #3851, June 2010)

16-602. Definitions. (1) "City/City of Columbia" shall mean all of the incorporated areas of the City of Columbia, Tennessee.

(2) "City sponsored events" shall mean events that are solely planned, administered, coordinated, held by, and paid for by the City of Columbia. City sponsored events shall not be exempt from obtaining a special event permit.

(3) "Co-sponsored events" shall mean events that are planned, administered, coordinated, and held in conjunction with another event sponsor and the city. Co-sponsored events shall not be exempt from obtaining a special event permit.

(4) "Event sponsor" shall mean any organizer, promoter, coordinator, person, group, corporation, partnership, governing body, association, or other public or private organization, or property owner that is responsible for the operation of a special event.

(5) "Extraordinary or exceptional demands on services." Regardless of how many people an event attracts, it may be determined by the Columbia City Manager that the regular and/or emergency services could have

extraordinary or exceptional demands placed upon them by an event. Any/all events that are determined to likely place extraordinary or exceptional demands upon the regular and/or emergency services shall be considered a special event and a special event permit shall be required.

(6) "Financial assurance" shall mean liability insurance underwritten by a company licensed to underwrite business in the State of Tennessee, which shall indemnify and hold harmless the City of Columbia and its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting a special events permit, and from any cost incurred in cleaning up any waste material produced or left after the event.

(7) "Independent events" shall mean those events that are not co-sponsored or city sponsored events.

(8) "Mass gathering or special event" shall mean any outdoor temporary public gathering including but not limited to block parties, parades, festivals, music concerts, celebrations, carnivals, fairs, exhibits, trade shows, or any similar occurrence to be conducted on any public or private property within the City of Columbia that is reasonably expected to simultaneously bring together six hundred (600) or more people and/or that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our city. All special events, as defined, shall require a special event permit.

(9) "Property owner" shall mean any person who alone, jointly, or severally with others has legal title to any premises, with or without accompanying actual possession thereof; or has charge, care, or control of any premises, and legal or equitable owner, agent, or the owner, or lessee of a piece of property where a special event is to be held.

(10) "Special event permit" shall mean a written form of authorization in accordance with these regulations.

(11) "Special Plan for Event Contingencies (SPEC)" shall mean an approved written safety plan that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(12) "Temporary street closure" shall mean any condition created by a special event that is conducted within or upon any street, public way, road, highway, boulevard, parkway, alley, lane, service road, viaduct, bridge, and the approaches thereto, sidewalks, or other public rights-of-way. Any/all events that create a temporary street closure shall be considered a special event and a special event permit shall be required. (as added by Ord. #3851, June 2010)

16-603. <u>Exemptions</u>. A special event permit shall not be required for the following events:

(1) Funeral processions;

(2) Students going to and from classes;

(3) Participation in educational or other school activities, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (homecoming and other parades that cause or could result in temporary street closures shall not be exempt);

(4) Sporting events, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (an electronic repository of these plans shall be maintained and access shall be granted to the regular and/or emergency services);

(5) Activities conducted in the normal operation of a licensed campground;

(6) An event wholly contained on property specifically designed or suited for the special event and which has an appropriate certificate of occupancy, appropriate zoning, and an adequate safety plan. (as added by Ord. #3851, June 2010)

16-604. Special event permit required, violations, and penalties.

(1) Special event permit required. No event sponsor shall hold any special event unless a special event permit is first obtained.

(2) Violations. Any person who violates any provision of this legislation shall be subject to fines and penalties. It is a violation to hold a special event within the City of Columbia without a special events permit.

(3) Penalties. Any person found in violation of this legislation shall be subject to the maximum fine allowable by law plus all allowable court costs, any and all costs incurred to the City of Columbia to enforce this legislation. (as added by Ord. #3851, June 2010)

16-605. General provisions. Nothing in this regulation relieves the obligations or liability of any event sponsor to comply with any other applicable regulation, ordinance, law, standard, or provision issued by other entities, the City of Columbia, the State of Tennessee, or the federal government. This shall include but is not limited to:

(1) Beer and alcohol permitting regulations;

(2) Zoning regulations and restrictions;

(3) Park fees and permits;

(4) Health department regulations and requirement;

(5) Any/all applicable taxes;

(6) Any/all additional required fees and permits. (as added by Ord. #3851, June 2010)

16-606. Financial assurance. The event sponsor must comply with the following insurance requirements to be considered for a special event permit. Proof of insurance covering the dates and times of the event including set-up

and dismantling must be submitted during the permit application process. Failure to provide proof of insurance will result in the permit being denied. The following types of insurance must be provided:

(1) Comprehensive general liability insurance. A general liability insurance policy, or its equivalent, written on an occurrence basis (or yearly basis), with a minimum of one million dollars ($1,000,000.00) combined single limit of liability per occurrence for bodily injury, personal injury, and property damage is required. If food or beverages are to be served, then product liability coverage must also be included with a minimum of one million dollars ($1,000,000.00) per occurrence. If an event involves floats or other vehicles, then product liability coverage must also be included with a minimum of one million dollars ($1,000,000.00) per occurrence. Insurance coverage must include all areas used by the event including any/all assembly areas, routes, disbanding areas, and event location(s).

(2) Additional insurance requirements. The City of Columbia must be listed as additional insured for the event on all insurance policies with regards to the event.

(3) Additional insurance required. The city manager reserves the right to increase the minimum acceptable limits of liability insurance based on the nature or type of event and the potential hazards posed by the event. (as added by Ord. #3851, June 2010)

16-607. Amount and type of services and equipment required. The amount, kind, and type of services or equipment required for a special event shall be determined based on the nature and type of event and the potential hazards posed by the event. Nothing in this regulation is intended to limit the number of resources or services required. At a minimum, the recommendations outlined in the Federal Emergency Management Agency (FEMA) Special Events Contingency Planning Job Aids Manual shall be followed when determining the amount and type of services required.

(1) Additional services required. The city manager reserves the right to increase the minimum required amount and type of services required based on the nature or type of event and the potential hazards posed by the event. After consulting with the emergency and regular services, the city manager may determine that the minimum FEMA recommendations are not adequate.

(2) Amount of equipment required. Contracts with vendors for meeting the necessary requirements for the amount and type of equipment required shall be allowed. However, any/all contractors shall be licensed to do business in the State of Tennessee. All traffic control devices (signs, barricades, etc.) shall comply with standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD). The current edition MUTCD in use by the City of Columbia at the time of permit application shall apply. Any/all contracts shall be completed and executed prior to the issuance of a special event permit.

(3) Type of services required. Any/all contractors for professional services including but not limited to law enforcement, fire suppression, and/or emergency medical providers shall be certified and/or licensed to provide services in the State of Tennessee. All professional service contractors shall be in uniform and readily identifiable while providing contracted services during special events. (as added by Ord. #3851, June 2010)

16-608. Fees and terms of payment. There shall be fees associated with the special event permit application process, and additional fees for personnel services and equipment provided by the City of Columbia.

(1) Special event permit. A non-refundable application fee of twenty-five dollars ($25.00) is due at the time of application. The event sponsor shall be responsible for paying these fees.

(2) Personnel services provided by the City of Columbia. The costs associated with city employees required to provide services for a special event shall be billable based upon an average of personnel costs. This rate shall be determined annually by the city manager. The event sponsor shall be responsible for paying these fees.

(3) Equipment provided by the City of Columbia. The costs associated with the operation of equipment provided by the city shall be billable at rates based on the Federal Emergency Management Agency's (FEMA) schedule of equipment rates. The event sponsor shall be responsible for paying these fees.

(4) Co-sponsored events. Based on the nature and type event and the positive impact that a particular event has on our community, a portion or portions of fees and/or insurance requirements in accordance with this regulation can be waived by the city manager for approved co-sponsored events. A special event permit shall be required for co-sponsored events.

(5) City sponsored event. Fees in accordance with this regulation shall be waived by the city manager for approved city sponsored events. The city manager may require additional insurance for specific hazards or functions at city sponsored events. A special event permit shall be required for city sponsored events.

(6) Calculation of additional fees. Fees owed for equipment or personnel services required for the event shall be calculated by each involved emergency and/or regular service and forwarded to the city manager no later than five (5) business days after each special event. The city manager shall compile all applicable charges and an invoice shall be sent to the event sponsor no later than ten (10) business days after the event.

(6) Terms of payment of additional fees. All monies due and payable upon receipt of invoice. Payment not received by the thirtieth day after the date of invoice shall be subject to accrue interest at a rate of fifteen percent (15%) annum or the maximum finance charge allowed by law, whichever is less. Any attorney's fees, collection fees, arbitration fees, or other costs incurred in collecting any delinquent account shall be paid by the event sponsor. No

additional permits shall be processed and/or approved for an event sponsor that has any outstanding balance, until full payment of all monies due is received. (as added by Ord. #3851, June 2010)

16-609. Special Plan for Event Contingencies (SPEC). A written plan that attempts to establish safety procedures for dealing with a special event is required for all special events. It must attempt to minimize injury, suffering, death, or damage to the environment that may result as a result of poor planning or preventable incidents during the event. The SPEC template shall be used as a guide for developing SPEC plans. The plan must provide for a sound command structure utilizing the National Incident Management System (NIMS) Incident Command System (ICS) and assign roles and responsibilities for the implementation of the plan during an emergency. (as added by Ord. #3851, June 2010)

16-610. Dissemination of SPEC. Special Plans for Event Contingencies (SPECs) will contain safety sensitive information and contact information that should remain confidential. Therefore, completed SPECs shall only be disseminated to all emergency and/or regular agencies that could possibly be required to assist. SPECs shall not be disseminated to the public or news media. Evacuation routes, short-term shelter locations, and specific safety measures for events shall be posted and disseminated, as needed. (as added by Ord. #3851, June 2010)

16-611. Application process. (1) The application must be completed and submitted along with the non-refundable application fee to the city recorder's office at least sixty (60) days before a scheduled event. Applying for a special event permit does not grant authorization to conduct a special event. The process shall typically follow the following format:

(a) Upon receipt of the application, it shall be electronically forwarded to all involved or affected emergency and/or regular agencies and the city manager.

(b) Each involved or affected agency shall have ten (10) business days to review the application and complete their respective part of the SPEC.

(c) Once each involved or affected agency has completed their respective part of the SPEC (including required personnel, services, and equipment) it shall be electronically forwarded to emergency management for compilation.

(d) Emergency management shall have ten (10) business days to compile all agencies' information into the SPEC.

(e) Once the SPEC has been compiled, it shall be electronically forwarded to the city recorder's office.

(f) The city recorder shall then forward the SPEC requirements including all required types of services and equipment, insurance requirements, etcetera to the event sponsor.

(g) The event sponsor shall complete and execute any/all necessary contracts for services and/or equipment and appropriate certificate(s) of insurance in accordance with this legislation and submit proof to the city manager at least five (5) business days before the scheduled event.

(h) Once all applicable requirements have been satisfactorily completed, the special event permit shall be signed by the city manager and then be issued to the event sponsor.

(2) The signed special event permit shall be kept on-site and immediately available for inspection by the city manager or his/her designee during the entire special event including set-up and dismantling.

(3) The entire application packet shall be available electronically on the city website, in the city recorder's office, and park office. Included in this packet shall be the SPEC template, FEMA's schedule of equipment rates, and the annual rate schedule of costs for personnel services.

(4) A repository for completed SPECs shall be available to authorized personnel. This will be located on emergency management's website and will be password protected.

(5) It is recognized that certain events may occur that could result in the inability of a group to meet the sixty (60) day application process for a parade. These events could include but may not be limited to:

(a) A local ball team winning a championship;

(b) A local group winning a major award;

(c) A local military unit returning from active duty.

In these types of situations the city manager shall have the authority to reduce the sixty (60) day application process provided that it does not result in extraordinary or exceptional demands being placed upon the regular and/or emergency agencies affected by the event. A special event permit and an adequate safety plan shall still be required for these types of events. (as added by Ord. #3851, June 2010)

16-612. <u>Authority to alter, suspend, or terminate a special event</u>. The city manager, emergency management director, police chief, fire chief, or their designee shall have the authority to cause the event sponsor to alter, suspend, or terminate any special event that is found to pose a significant threat to the health, safety, and/or welfare of the public or that is found to be in noncompliance with any part of this regulation or special event permit. (as added by Ord. #3851, June 2010)

16-613. <u>Grievance procedures</u>. Any/all appeals for permit denial, required types of services and equipment, insurance requirements, and etcetera

shall be submitted in writing to the city manager at least thirty (30) calendar days before the event. The city manager shall have ten (10) business days to respond in writing to the appeal. (as added by Ord. #3851, June 2010)

16-614. **Severability**. Should any provision of this legislation be determined to be invalid, illegal, or unforeseeable by a court of competent jurisdiction, then such provision shall be amended to make it valid, legal, and enforceable. The invalidity or unenforceability of any provisions shall not affect in any manner the other provisions herein contained, which remain in full force and effect. (as added by Ord. #3851, June 2010)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

17-101. Premises to be kept clean.
17-102. Definitions.
17-103. Responsibility for administration.
17-104. Accumulation of refuse and location of containers.
17-105. Confiscation of unsatisfactory storage containers.
17-106. Leaves, lawn clippings, brush, tree limbs, etc.
17-107. Collection of garbage and refuse.
17-108. Schedule of fees for the collection of garbage and refuse.
17-109. Disposal of garbage and refuse.
17-110. Disposal of ashes.
17-111. Prohibited substances and practices.
17-112. Construction waste.
17-113. Collection and disposal of industrial waste, infectious, pathogenic and radioactive waste.
17-114. Dumping in streams, sewers and drains prohibited.
17-115. Commercial collection procedures; containers.
17-116. Burning prohibited without a permit.
17-117. Penalties.
17-118. Restricted use of revenues received from sanitation operations.

17-101. Premises to be kept clean. All persons, firms and corporations within the corporate limits of the City of Columbia are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth and trash. All persons, firms and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose

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[1]Municipal code reference
Department of sanitation: § 1-202.
Property maintenance regulations: title 13.

of such material in a manner prescribed by the sanitation director so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #3448, May 2002)

17-102. Definitions. (1) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) "Class 1 Commercial User." The term "Class 1 Commercial User" shall mean any user whose property is zoned for commercial or industrial purposes and who has any number of refuse containers which hold thirty (30) gallons or less.

(3) "Class 2 Commercial User." The term "Class 2 Commercial User" shall mean any user whose property is zoned for commercial or industrial purposes and who has any number of four (4), six (6), or eight (8) cubic yard boxes.

(4) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision that collects, transports, or disposes of any refuse within the corporate limits of the City of Columbia.

(5) "Commercial solid waste." The term "commercial solid waste" shall mean solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities.

(6) "Construction waste." The term "construction waste" shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials.

(7) "Duplex." The term "duplex" shall mean a building or buildings containing two (2) dwelling units.

(8) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, from all public and private residences.

(9) "Hazardous refuse." The term "hazardous refuse" shall mean any chemical compound, mixture, substance, refrigerant or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, infectious, or otherwise harmful. It shall include anything listed as harmful or restricted by the state or federal government.

(10) "Health officer." The term "health officer" shall mean the sanitation director of the City of Columbia or his authorized representative.

(11) "Industrial waste." The term "industrial waste" shall mean all such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

(12) "Infectious wastes." The term "infectious wastes" means wastes which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this policy, the following wastes shall be considered to be infectious wastes:

(a) "Isolation wastes." Wastes contaminated by patients who are isolated due to communicable disease, as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals, (July 1983).

(b) "Cultures and stocks of infectious agents and associated biologicals." Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(c) "Human blood and blood products." Waste human blood and blood products such as serum, plasma, and other blood components.

(d) "Pathological wastes." Pathological wastes, such as tissues, organs, body parts, and body fluids.

(e) "Contaminated sharps." All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.

(f) "Contaminated animal carcasses, body parts, and bedding." Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or in the in vivo testing of pharmaceuticals.

(g) "Facility-specified infectious wastes." Other wastes determined to be infectious by a written facility policy.

(13) "Multi-family dwelling." The term "multi-family dwelling" shall mean a building or buildings containing three (3) or more dwelling units whose primary purpose is for leasing or renting dwelling space to the public.

(14) "Refuse." The term "refuse," as hereinafter referred to in this chapter, shall include garbage, rubbish, and all other putrescible and non-putrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, but shall not include sewage, body wastes, recognizable industrial or medical by-products, from all residences and establishments, public and private.

(15) "Residential solid waste." The term "residential solid waste" shall mean solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities.

(16) "Residential user." The term "residential user" shall mean any user whose property is zoned for residential purposes.

(17) "Rubbish." The term "rubbish" shall include all nonputrescible waste materials except ashes from all public and private residences and establishments.

(18) "Yard wastes." The term "yard wastes"shall mean grass clippings, leaves, tree and shrubbery trimmings. (Ord. #3448, May 2002)

17-103. <u>Responsibility for administration</u>. (1) The sanitation director, or his authorized representative, shall have the authority to make and modify regulations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste refuse; provided that such regulations are not in violation of the provisions of this chapter.

(2) The sanitation director, or his authorized representative, shall be responsible for the enforcement of this chapter. (Ord. #3448, May 2002)

17-104. <u>Accumulation of refuse and location of containers</u>.

(1) Each owner, occupant, tenant, sub-tenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the City of Columbia where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the sanitation director for the storage of such refuse.

(2) It shall be the responsibility of each occupant, on the scheduled day of collection, to place his or her container in such a manner and at such a location as to be readily accessible for removal by the city. Such containers shall not be placed in such a manner as to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Garbage containers shall not be placed, without the express permission of the city, on a public sidewalk, in the street, or in a drainage ditch.

(3) The sanitation director may accommodate individuals with walking or other range of motion impairments. The city and the individuals will agree to place the containers at a location convenient for them and readily accessible to the city.

(4) Containers placed on the property side of the curb or street, or at the edge of the alley, where serviceable alleys are available, shall be placed for collection no earlier than 7:00 P.M. on the day before collection, and no later

than 7:30 A.M. on the scheduled day of collection. Containers must be removed from the curb, street, or alleyway no later than 7:00 P.M. on the day of collection.

(5) The sanitation director may require any residential household regularly exceeding 90 gallons or 200 pounds of garbage in a collection period, to make other approved disposal arrangements.

(6) Construction waste and yard waste, as defined in § 17-102(5) and (8) are hereby prohibited from being placed in residential garbage collection containers.

(7) The owner or developer of all new residential construction and development within the City of Columbia shall supply at their expense a city approved garbage container for that residence or housing unit.

(8) City garbage collectors shall not enter houses, stores or open gates for the collection of garbage or rubbish nor shall they accept any money or valuable gifts for their services from persons served.

(9) Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(10) All garbage or refuse must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it into any storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other method as often as necessary to prevent the breeding of flies and the occurrences of offensive odors.

(11) After use, all hypodermic syringes shall be placed in a container designed for and approved for storage of such items in accordance with all state and federal regulations. Used hypodermic syringes shall not be placed with other waste for collection by the City of Columbia, but shall be disposed of by a licensed medical waste disposal firm.

(12) Beginning January 1, 2004, it shall be the responsibility of each occupant, on the scheduled day of collection, to place his or her container at the curb side. (Ord. #3448, May 2002)

17-105. <u>Confiscation of unsatisfactory storage containers</u>. The official refuse collecting agency is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when in the discretion of the sanitation director such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (Ord. #3448, May 2002)

17-106. <u>Leaves, lawn clippings, brush, tree limbs, etc</u>. It shall not be the responsibility of the refuse collecting agency of the city to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing material, etc., unless the same shall be piled at curb side for the collection truck. All leaves, brush, and tree limbs will be free of trash and other debris. Leaves shall be placed in approved biodegradable leaf bags during the annual designated periods. (Ord. #3448, May 2002)

17-107. <u>Collection of garbage and refuse</u>. (1) Items prohibited from pickup shall include, but not be limited to, rocks, dirt, bricks, concrete, construction waste, broken glass unless in approved containers and sharp metal objects.

(2) Bulky items shall be collected each week in areas designated by the sanitation director. Bulky items shall be stored out of the public view until such collection. The city shall not be responsible for the removal of water heaters, central heat and air systems or other commercially installed appliances.

(3) All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems. The collection of refuse within the City of Columbia shall be under the jurisdiction of the sanitation department.

(4) The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and disinfected on a regular basis and so constructed that there will be no leakage of liquids draining from the refuse into the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.

(5) All residents shall provide sufficient regulation containers to properly store one (1) week's accumulation of refuse (including garbage and rubbish).

(6) Businesses using regulation cans for collection shall provide sufficient containers to properly store one (1) week's accumulation of refuse. All business requiring six (6) or more regulation containers for weekly service shall be required to acquire regulation bulk containers for service.

(7) The sanitation department shall not be obligated to provide service where adequate containers are not provided. (Ord. #3448, May 2002)

17-108. <u>Schedule of fees for the collection of garbage and refuse</u>. The fees for the collection of refuse shall be as follows:

(1) Residential user - fourteen dollars ($14.00) per month (once per week pickup).

(a) The following persons shall be exempt from this fee:

(i) Persons sixty-five (65) years of age in whose name the meter is billed with a total household annual income from all sources not to exceed the income limit as set forth by the State of Tennessee Property Tax Relief Program under Tennessee Code Annotated, § 67-5-702.

(ii) Totally and permanently disabled persons drawing social security benefits in whose name the meter is billed with a total household annual income from all sources not to exceed the eligibility limits per the State of Tennessee Property Tax Relief Program.

(iii) The income eligibility limit shall be adjusted annually to coincide with the income limit each year for eligibility for property tax relief under Tennessee Code Annotated, § 67-5-702.

(2) Class 1 commercial - twenty-two dollars ($22.00) per month (minimum charge for service two (2) times per week).

(3) Class 2 commercial - four (4) cubic yard box - sixteen dollars ($16.00) per pick-up per week, per container.

Six (6) cubic yard box - eighteen dollars ($18.00) per pick-up per week, per container.

Eight (8) cubic yard box - twenty-one dollars ($21.00) per pick-up per week, per container.

(4) Any commercial user whose refuse is collected by the City of Columbia on Saturday shall be charged, in addition to all other fees set forth herein, an additional charge of twenty-two dollars ($22.00) for each Saturday collection.

(5) Multi-family dwellings and duplexes shall be charged at the rate of a residential user for each dwelling unit contained therein beginning at the time of the installation of an electric meter and in the name of the person in whose name the charges for electric power are made.

(6) The fees set forth above shall be billed to the users as a part of the monthly electric bill. A late charge shall be charged at the same rates as are charged on electric bills and collection service shall be terminated at the same time and in the same manner as termination of electric service is done in the event of the non-payment of an electric bill.

(7) Payment by the Columbia Power and Water System of the refuse collection fees and late charges, if any, shall be remitted to the city recorder on a monthly basis accompanied by an accounting therefore.

(8) Additional collections at one (1) residence or business in a week shall be at the rate of fifty dollars ($50.00) per each additional collection. (Ord. #3448, May 2002, as replaced by Ord. #3808, June 2009)

17-109. Disposal of garbage and refuse. The disposal of refuse in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or

with properly approved permits from the Tennessee Department of Solid Waste Management is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of sanitation under Tennessee Department of Solid Waste Management guidelines. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal. No garbage shall be fed to swine unless said garbage has first been heated to at least 212 degrees Fahrenheit, and held there at least thirty (30) minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in Pub. Acts 1953, ch. 94. Animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the sanitation director, or shall be rendered at 40 psi. steam pressure or higher, or similarly heated by equivalent cooking. (Ord. #3448, May 2002)

17-110. **Disposal of ashes**. (1) Ashes shall be placed by the producer in metal containers, not to exceed twenty (20) gallons capacity furnished and kept in repair by such producer. The producer shall furnish sufficient can space to hold one (1) week's accumulation of ashes. Ashes shall not be placed in the same container with garbage or trash.

(2) Ashes will be removed from each producer once every week. Ash containers shall be so marked and placed for collection at a city approved location for pick-up. (Ord. #3448, May 2002)

17-111. **Prohibited substances and practices**. (1) The following substances are hereby prohibited and shall not be deposited in garbage containers:

(a) Flammable liquids, solids or gases, such as gasoline, benzine, alcohol or other similar substances.

(b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.

(c) "Construction waste" as defined in § 17-102(5).

(d) Hot materials such as ashes, cinders, etc.

(e) Human or animal waste shall be prohibited being placed in garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.

(f) Infectious waste and hypodermic syringes.

(2) It shall be unlawful for any person, other than the occupant-user, to move, remove, upset, scatter, tamper, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container. (Ord. #3448, May 2002)

17-112. **Construction waste**. The City of Columbia will not be responsible for the collection and disposal of "construction waste" as defined in § 17-102(5). The removal and disposal of such materials shall be the

responsibility of the construction contractor, developer or property owner. (Ord. #3448, May 2002)

17-113. <u>Collection and disposal of industrial waste, infectious, pathogenic and radioactive waste</u>. All industrial and hazardous waste shall be disposed of by the industry, manufacturer, or processing plant generating such waste under such methods and conditions as shall be approved by the sanitation director. Garbage and rubbish not consisting of industrial waste and hazardous refuse will be collected by the city.

(1) Pathological and/or infectious waste from but not limited to hospitals, physicians' clinics, dental clinics, blood banks, medical laboratories, nursing homes, health care facilities, and mortuaries, shall be separated from normal waste and placed in durable disposal bags that can be tied and sealed when full. The bags shall be stored in metal or equivalent containers with tight-fitting lids while in the process of being filled. Containers shall be kept in places restricted from access by the public. If taken to the curb or an alleyway, these materials shall only be placed at the collection point on the day they are to be collected. Needles shall be placed in puncture proof containers immediately after use. Disposable syringes shall be disposed of with other medical waste and not become part of the normal solid waste stream.

(2) Pathological waste and/or infectious waste in bulk containers from but not limited to hospitals, physicians' clinics, dental clinics, blood banks, medical laboratories, nursing homes, health care facilities, and mortuaries, shall be separated from normal waste and placed in durable disposal bags that can be tied and sealed when full. The bags shall be placed in bulk containers which must be kept locked and restricted from access by the public. Needles shall be placed in puncture proof containers immediately after use. Disposable syringes shall be disposed of with other medical waste and not become part of the normal solid waste stream.

(3) All pathogenic, infectious and radioactive waste shall be restored and disposed of by the hospital or institution generating such waste under such conditions as shall comply with all county, state, and federal regulations and such institution shall assume responsibility for such. Garbage and rubbish not consisting of pathogenic, infectious, and radioactive waste may be collected by the city.

(4) All generators of pathological, infectious, hazardous, and/or radioactive waste shall file within 30 days of ordinance approval and yearly thereafter by June 1, a plan and policy for collection and disposal of said waste with the sanitation director. The plan shall include all storage and disposal procedures to be used by the generating facility and authorized collector, disposal agent engaged in the removal of said waste. Storage, removal, and disposal shall be in compliance with all city, county, state, and federal policies and guidelines. (Ord. #3448, May 2002)

17-114. <u>Dumping in streams, sewers and drains prohibited</u>. It shall be unlawful for any person, firm or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer or other drain within the City of Columbia. (Ord. #3448, May 2002

17-115. <u>Commercial collection procedures; containers</u>. (1) Every commercial establishment shall place all garbage in a city approved container, and shall maintain the container and the surrounding area in a clean, neat and sanitary condition. All bulk containers shall be cleaned and disinfected on a regular basis.

(2) Any establishment that furnishes and maintains a bulk container or containers suitable for handling by city equipment will be serviced by the city as required provided that such container shall be of sufficient size and number. Bulk containers shall at all times be kept in a place easily accessible to city equipment as approved by the sanitation director. At no time shall objects, obstructions or vehicles hinder in any way whatsoever the servicing of said containers.

(3) All bulk containers to be serviced by city equipment shall be enclosed containers. Before any such container shall be serviced by the city, it shall be specifically approved by the sanitation director as to capacity, size, type and location. No container shall exceed eight (8) cubic yards capacity nor be smaller than four (4) cubic yards capacity.

(4) Bulk containers shall be placed on approved service pads to be constructed of six (6) inch thick concrete reinforced with steel and of a size of no less than twelve by twelve feet square. Screening shall be permitted on three sides only and a gate shall be placed on the fourth side of the dumpster screening. Service of containers in gated enclosures may be provided by the City of Columbia Sanitation Department if the gates meet all specifications set by the department. (Ord. #3448, May 2002)

17-116. <u>Burning prohibited without a permit</u>. It shall be unlawful for any person, firm or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the City of Columbia without first securing the approval of the appropriate city departments having jurisdiction. (Ord. #3448, May 2002)

17-117. <u>Penalties</u>. (1) Any person violating any of the provisions of this chapter or the conditions of any permit issued hereunder shall be served by the city with written notice stating the nature of the violation and providing up to ten (10) days time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.

(2) Any person who shall continue any violation beyond the time provided for in § 17-117(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by city personnel or equipment by reason of such violation. (Ord. #3448, May 2002)

17-118. Restricted use of revenues received from sanitation operations. All funds received pursuant to the provisions outlined in this chapter from the collection of garbage and refuse shall be restricted in use for sanitation operations. (as added by Ord. #3962, Dec. 2013)

TITLE 18

WATER AND SEWERS[1]

CHAPTER

1. SEWERS.
2. SEWAGE.
3. WATER.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWERS

SECTION

18-101. Permit required for sewer connections.
18-102. Sewer connection, tap installation, and infrastructure construction charge.
18-103. Sewer service charge.
18-104. Sewers outside the corporate city limits.
18-105. [Deleted.]
18-106. [Deleted.]

18-101. Permit required for sewer connections. It shall be unlawful for any person to make or cause, or allow to continue, any connection with any of the sewers of the city without first obtaining a permit from the city manager. (1968 Code, § 13-201)

18-102. Sewer connection, tap installation, and infrastructure construction charge. (1) A sewer connection charge is assessed for all users connecting to the sanitary sewer system and is payable on each lot at the time of the issuance of a certificate of occupancy for such lot or one (1) year from the date of the issuance of a building permit and/or sewer permit whichever date occurs first. The sewer connection charge shall be two thousand nine hundred dollars ($2,900.00) for each such connection unless the parcel contains multiple dwelling units. The sewer connection charge for multiple dwelling units located within one (1) parcel shall be one thousand four hundred fifty dollars ($1,450.00) per dwelling unit.

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[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.
Wastewater department: § 1-207.

(a) Property which has been previously assessed by the city for construction and installation of the sanitary sewer (prior to May 4, 2005) shall not be subject to the connection charge.

(b) Property where structures were physically connected to public sewer and such structures have been removed are not subject to this connection charge when a building permit for structural replacement is approved and issued within twenty-four (24) months of the date of final previous monthly sewer service payment. If such building permit becomes null and void and a valid permit is not issued and approved within said twenty-four (24) months, the property shall be subject to this connection charge. Proof of date of demolition/removal and final previous sewer service payment shall be submitted for approval at the time of building permit application.

(2) A tap installation charge is assessed and payable prior to the city providing labor, equipment or materials to install or locate the portion of the sewer line between the city's sewer main and the customer's part of the service lateral. The installation charge consists of the costs of labor, materials, and equipment involved in installing the service line tap and required appurtenances, and will be paid in accordance with the following schedule:

TAP INSTALLATION CHARGE SCHEDULE (ALL CUSTOMERS)

Type Sewer Service	Complete Tap Installation	Location of Tap Only
4" Sewer Line Tap	$800	$65
6" Sewer Line Tap	$950	$65
Existing Tap	-------	$65

(a) In the event the city does any installation work not covered in the table of installation charges, the cost of such work shall be charged to the customer according to a schedule of rates established by the wastewater department. The installation charge is to be paid at the time the sewer permit is issued.

(b) The wastewater department may allow or instruct the applicant for a permit to install the required tap in lieu of tap installation fees. This decision is entirely at the discretion of the wastewater department. The charge for identifying the tap location will remain applicable on all permits.

(c) Multiple structures located within one parcel of property that will utilize existing service lines or construct new service lines as a

means to connect to public sewer, are subject to the applicable tap installation charge. (examples: mobile home parks, guest houses, apartment, etc.)

(3) A sewer infrastructure construction charge of three thousand six hundred dollars ($3,600.00) per benefited property is hereby enacted for the extension of new sewer services.

(a) All infrastructure construction charges are due and payable at the time of issuance of a sewer permit; however in the event the city is extending its sanitary sewer infrastructure, to the property in question, the property owner may notify the city in writing that he elects to pay said sewer infrastructure construction charge in five (5) annual installments as herein provided. If the property owner elects to pay said charge in annual installments, said infrastructure construction charge amount shall bear interest at the rate of six percent (6%) per annum on the unpaid balance. A property owner desiring to exercise the privilege of payment by installment shall, before the issuance of the sewer permit, enter into an agreement in writing with said city. Such agreement shall provide that in consideration of such privilege the property owner will pay the same as agreed with the specified interest and all costs of collection, including a reasonable attorney's fee upon default as hereinafter provided. Said agreement is to be filed in the office of the city recorder, or person designated, and in all cases where such agreement has not been signed and filed, the charges shall be paid in full before the issuance of the sewer permit. Any property owner who elects in writing to pay the sewer infrastructure construction charge in five (5) installments shall have the right and privilege of paying the charge in full at any installment period by paying the full amount of the installments, together with all accrued interest. If any property owner defaults in the payment of any installment and interest thereon, all of said installments, with interest, shall become immediately due and payable.

(b) Whenever any installment payment of the sewer infrastructure construction charge becomes past due for a period of sixty (60) days, the city recorder shall certify said delinquent installments to the city attorney, who shall proceed to enforce the collection of said charge, plus accrued interest and costs of collection hereinabove set forth.

(4) If any person issued a permit to connect to the sanitary sewer system of the city fails to make the sewer connection within ninety (90) days after the date of issuance of such permit, and in the meantime, any charge prescribed by this section is increased, then such permit is void and of no further force and effect. To have the permit reinstated, the person must pay the difference between the previously paid charge and the newly enacted charge.

(5) Written requests for refunds of sewer connection or tap installation charges shall be made within ninety (90) days of the date of the sewer permit.

Tap installation charges are non-refundable if tap installation has commenced or the location of the tap has been provided prior to the receipt of the request for refund. All refunds associated with the connection and/or tap installation charges are subject to a five percent (5%) processing charge. After such refund, the sewer permit is void and of no further force and effect.

(6) The obligation to pay the sewer connection and/or tap installation charge established in this section is in addition to, and does not replace, any responsibility to construct or extend collector lines as required under the Columbia Municipal Code and/or the City of Columbia Subdivision Regulations. The obligation to pay the sewer infrastructure construction charge is in addition to, and does not replace, any responsibility for payment of sewer connection or tap installation charges as required under the Columbia Municipal Code. (Ord. #3223, April 1998, replaced by Ord. #3580, Feb. 2005, and amended by Ord. #3861, Sept. 2010, and Ord. #3965, Dec. 2013)

18-103. <u>Sewer service charge</u>. (1) All persons, firms or others whose property is located within the corporate limits of the City of Columbia and is accessible to the sanitary sewer system shall be required to pay monthly rates for the usage of said system, said rates for residential customers to be calculated and charged upon the lessor of:

(a) Actual water consumption for said period; or

(b) One hundred twenty-five percent (125%) of the average water consumption for the months of November through April. In the case of a new resident where no average for the customer is available, the average will be assumed to be twelve thousand (12,000) gallons.

(2) Rates shall apply as follows:

Effective June 1, 2011

User charge within city limits	$14.99 per month per service unit
User charge outside city limits	$24.00 per month per service unit
Volume charge	$4.90 per thousand gallons of water

Seven dollars and forty-two cents ($7.42) per one thousand (1,000) gallons of the water volume charge shall be designated for the pretreatment program. A service unit shall be determined as the number of electrical meter boxes installed on the property of any person, corporation, firm or others that are users of the City of Columbia sewer system. One (1) user charge shall be paid for each electrical meter installed on a user's property.

(3) Sewer charges for all customers other than residential shall be based on the actual volume equal to the metered water consumption for said period.

(4) Said rates shall be billed simultaneously with rates for water service, shall be subject to the same penalties for delayed payment as are

imposed in the case of water bills, and shall be paid and collected in the same manner as water bills. Users will not be permitted to pay the water bill without simultaneous payment of the sewer bill, and in the event of nonpayment within thirty (30) days from the date of such bills, water service shall be discontinued in accordance with state and local regulations.

(5) When a water leak or significant event occurs such that metered water does not enter the sewer and the volume exceeds two hundred percent (200%) of the maximum monthly volume during the past year or thirty thousand (30,000) gallons, then the director of wastewater may make an estimate of the appropriate adjustment at the director's discretion. No adjustment shall be made for a charge over six (6) months old nor may the director adjust for more than two (2) charges for any one (1) occurrence. Upon request, the customer shall provide any necessary documentation supporting the request for an adjustment.

(6) Special contracts may be negotiated with any user who discharges into the system sewage of such characteristics as to require additional treatment above that required for ordinary sewage. Said contracts shall contain such rates and charges as shall compensate the city for the additional costs involved. (1968 Code, § 13-203, as amended by Ord. #1881, June 1992, and Ord. #1945, June 1993, Ord. #2009, June 1994, Ord. #2079, June 1995, Ord. #2083, June 1995, Ord. #3072, June 1996, Ord. #3075, June 1996, Ord. #3126, April 1997, Ord. #3127, April 1997, Ord. #3214, May 1998, Ord. #3215, May 1998, Ord. #3284, May 1999, and Ord. #3285, May 1999, and replaced by Ord. #3880, April 2011)

18-104. <u>Sewers outside the corporate city limits</u>. The City of Columbia reserves the right to restrict any and all connections, extensions or additions to the sanitary sewer lines which are within or without the corporate city limits. Sewer lines within the corporate city limits shall be subjected to the regulation of the planning and zoning commission, building inspection and other regulatory review by the city. Where a property owner desires to connect to the sewer lines outside the corporate city limits, it shall be done after approval of the Council of the City of Columbia following a petition by the property owner for annexation to the City of Columbia. The city council may institute annexation proceedings or in the council's choice, may allow connection to the sewer without annexation of the property. In any case, authorization to connect to the sewer shall be allowed only in such circumstances that the council is assured that the standard of construction, not only of sewer lines, but also of the entire development, shall be of a standard and quality which will provide the residents of the city with no obligations greater than similar developments as constructed within the city limits. (1968 Code, § 13-204)

18-105. [<u>Deleted</u>.] (1968 Code, § 13-205, as deleted by Ord. #3672, Dec. 2006)

18-106. [Deleted.] (1968 Code, § 13-206, as deleted by Ord. #3672, Dec. 2006)

CHAPTER 2

SEWAGE[1]

SECTION

18-201. Who must connect to sanitary sewer system.
18-202. Permit, etc., required for connections.
18-203. When privies, cesspools, septic tanks, etc., are prohibited.
18-204. Responsibility for maintenance of system.
18-205. Nuisance conditions.
18-206. Inspections and violations.
18-207. Sewer use requirements--general provisions.
18-208. Use of and connection to public sewers.
18-209. Private domestic wastewater disposal.
18-210. Applications for service--permits--penalties.
18-211. Commercial and industrial pretreatment.
18-212. Monitoring, reports, access, and safety.
18-213. Discharge regulations.
18-214. Wastewater charges, fees, and billing.
18-215. Administrative enforcement remedies.
18-216. Judicial remedies.
18-217. Supplemental enforcement remedies.
18-218. Affirmative defenses.

18-201. Who must connect to sanitary sewer system. All persons owning any building or structure used for human occupancy, employment, recreation, or other purpose, situated within the City of Columbia, not already connected to the city sanitary sewer system, and abutting on any street, alley, right of way, easement, or other public way on which there is now located a public sanitary sewer are hereby required at their own expense to install suitable sewage disposal facilities therein and to connect such facilities directly with the public sanitary sewer system within ninety (90) days after the passage of these provisions.

All persons owning any property within the city accessible to the public sanitary sewage system as hereinabove set forth, upon which a building is hereafter erected, shall, at the time of the erection of such building and at their own expense, erect suitable sewage disposal facilities therein and make proper connection with the public sanitary sewage system.

All persons owning any occupied building within the city upon property which may hereafter become accessible to the public sanitary sewage system

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[1]Municipal code reference
Building, utility, etc. codes: title 12.

shall, at their own expense, make proper connection with the public sanitary sewage system within thirty (30) days after notice to do so from the city manager or his authorized representative. Notice may be given by posting a letter, to the last known address of the owner, setting forth the accessibility of such service, or by publishing notice in any newspaper of general circulation in the City of Columbia, which notice need only set forth the streets or portions thereof to which the public sanitary sewage system has become accessible. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-202. Permit, etc., required for connections. A sewer permit must be obtained from the wastewater department prior to connection with the public sanitary sewer service. All connections to the public sanitary sewer system shall be in full accord with the plumbing code adopted by the City of Columbia or other applicable ordinances of the City of Columbia. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-203. When privies, cesspools, septic tanks, etc., are prohibited. It shall be unlawful for any person owning any occupied building within the city, on premises accessible to the public sanitary sewage system, to erect, construct, use or maintain, or allow or cause to be erected, constructed, used or maintained any privy, cesspool, sink hole, septic tank or other receptacle on such premises for receiving sanitary sewage. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-204. Responsibility for maintenance of system. Any occupant or person having immediate use and control of any building shall be responsible for maintaining the sanitary sewage disposal facilities used to connect such building to the public sanitary sewage system in a sanitary and usable condition, unless by written contractual arrangement between the parties, the owner of the property expressly agrees to retain such responsibility. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-205. Nuisance conditions. Any person who erects, constructs, allows, causes, or maintains a privy, cesspool, sink hole, septic tank, or other receptacle for receiving sanitary sewage on any property within the city, which property is accessible to the public sewage system, in violation of this chapter shall, in addition to the penal provisions herein provided for, be deemed, and shall be declared to be erecting, constructing, and maintaining a nuisance, which nuisance the city is hereby authorized and directed to abate in a manner provided by law. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-206. Inspections and violations. The city manager, the wastewater department director, the city engineer, and other duly authorized

employees of the city bearing proper credentials and identification shall be permitted to enter upon all property within the city for purposes of inspection and observation to determine if the owners or occupants are in violation of the provisions of this chapter. Any person found by them to be violating any provision of this chapter may be cited by the city officials with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, except as provided in § 18-215(8). The offender shall, within the time stated in such notice, permanently cease all such violations.

Any person who shall continue any violation beyond the time limit provided in this section shall be penalized under the general penalty clause for this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

The authority to give notice of violations and to provide a reasonable time for connection thereof is discretionary and supplementary to the penalties for violations set forth in the general penalty clause for this code, and notice as herein provided is not a prerequisite for prosecution for such violations or appropriate proceedings under § 18-205. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-207. Sewer use requirements--general provisions. (1) Purpose and policy. This sewer use chapter sets uniform requirements for discharges into the wastewater collection system and treatment works and enables the City of Columbia, Tennessee to comply with the provisions of the Federal Water Pollution Control Act Amendments of 1972, PL92-500, the Clean Water Act of 1977, as amended in 1987, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state and federal law, and to derive maximum public benefit by regulating the quality and quantity of wastewater discharged into the city's wastewater collection system and treatment works. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. The main purpose of this chapter is to prevent the introduction of pollutants into the publicly-owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or into the atmosphere, or otherwise be incompatible with the treatment works. This chapter provides guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the service area. The chapter establishes pretreatment requirements for industrial waste before discharge into public sewers as required in Title 40, Part 403 of the Regulations of the Environmental Protection Agency (Federal Register, Vol. 43,

No. 123) and any subsequent amendments thereof; establishes control over the contribution of wastewater which requires greater treatment expenditures than those necessary for equal volumes of normal domestic wastewater; and provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter shall supersede any other ordinances or portions thereof which may be in conflict with this chapter.

(2) Definitions. For purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(a) "Act" or "the Act" means Federal Water Pollution Act, also known as the Clean Water Act of 1977, as amended in 1987.

(b) "Administrator" means the administrator of the United States Environmental Protection Agency.

(c) "Approval authority," means the director of Water Pollution Control of the Tennessee Department of Environment and Conservation in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(d) "Best Management Practices" or "BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-213. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(e) "BOD (denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.

(f) "Building sewer," means the sewer conveying wastewater from the building drain to the public sewer or other place of disposal.

(g) "Categorical standards," National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a WWF by existing or new industrial users in specific industrial subcategories are established as separate regulations under the appropriate subpart of 40 CFR chapter l, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this rule chapter. Tennessee Rule 1200-4-14-.06.

(h) "City," means the City of Columbia, Tennessee.

(i) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(j) "Compatible wastes," biochemical oxygen demand, suspended solids, pH and fecal coli form bacteria; plus any additional pollutants identified in the publicly-owned treatment works NPDES

permit, for which the publicly-owned treatment is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(k) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the city.

(l) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the director if the city has an approved pretreatment program under the provision of 40 C.F.R. 403.11.

(m) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material, including water treatment and conditioning chemicals.

(n) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(o) "Director." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The wastewater department director, except where specifically referring to the director of Water Pollution Control Tennessee Department of Environment and Conservation.

(p) "Domestic use" of the facilities of the wastewater treatment system shall be defined and limited to single family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and used for residential purposes only.

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

(r) "Extra strength wastewater" shall mean any wastewater that has any characteristic or combination of characteristic exceeding the characteristic of normal domestic wastewater and that require effort or expenditure over and above that required for treatment of normal domestic wastewater.

(s) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

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

(u) "Incompatible wastes," all pollutants other than compatible wastes as defined within.

(v) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(w) "Industrial user," means a source of indirect discharge which does not constitute a "discharge or pollutant" under regulation issued pursuant to Section 402 of the Act.

(x) "Industrial wastes" are the liquid wastes, other than domestic wastewater resulting from processes or operations employed in industrial or commercial establishments.

(y) "Interference," shall mean 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 sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

(z) "Maximum concentration," a maximum amount of a specified pollutant into the volume of water or wastewater.

(aa) "National pollution discharge to the elimination system or NPDES permit," a permit issued to a POTW pursuant to 402 of the Act.

(bb) "National Pretreatment Standard," or "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 1200-4-14-.05.

(cc) "Natural outlet" shall mean any point of discharge into a water course, pond, ditch, lake, stream, or other body of surface or ground water.

(dd) "New source," means

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

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; 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.

(ii) 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 parts (i)(B) or (i)(C) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(A) Begun, or caused to begin as part of a continuous onsite construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including cleaning, 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.

(ee) "Normal domestic wastewater," shall be regarded as normal for the city, if analysis show daily average concentrations of suspended solids, BOD, animal and vegetable oil and grease, and ammonia which do not exceed the limitations on wastewater strength as established herein; and if it contains only compatible pollutants as defined herein.

(ff) "Pass through" means a discharge which exists the WWF 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 WWF's NPDES permit (including an increase in the magnitude or duration of a violation).

(gg) "Person or owner," any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or their legal representatives,

agents or assigns. The masculine gender shall include feminine, the singular should include the plural where indicated by the context.

(hh) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A pH value indicates the degree of acidity or alkalinity.

(ii) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(jj) "Premises." A parcel of real estate or portion thereof including any improvements thereon which is determined by the director to be a single user for purposes of receiving, using, and paying for services.

(kk) "Pretreatment," the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of pollutant properties and wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, changes or by other means, except if prohibited by 40 C.F.R. section 403.6(d).

(ll) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(mm) "Publicly-Owned Treatment Works or POTW," a treatment works as defined by section 212 of the Act, which is owned in this instance by the city. This definition includes any sewer that conveys wastewater to such a treatment works, that does not include pipes, sewers or other conveyances not connected to the facility providing treatment.

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

(oo) "A regulated process wastestream" is defined as wastewater from an industrial process that is regulated by a categorical pretreatment standard. [See applicable categorical pretreatment standards, 40 CFR parts 405-471].

(pp) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

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

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

(ss) "Significant industrial user" shall mean any non-residential user of the city's wastewater treatment system meeting one of the

following conditions: all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) 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)).

(tt) "Slug discharge" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(uu) "Slug discharge evaluation requirements" for industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within twelve (12) months of being designated a significant industrial user.

(vv) "Standard Industrial Code (SIC)," a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(ww) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(xx) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in wastewater, and which are measurable as prescribed by "standard methods" and expressed in milligrams per liter.

(yy) "Tennessee Rules" can be found at the (Rules of the Tennessee Department of Health and Tennessee Department of Environment and Conservation).

(zz) "Toxic pollutant," any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator or the Environmental Protection Agency under provisions 33 USC 1317.

(aaa) "Treatment works," any devices and systems used in the storage, treatment, recycling and reclamation of domestic wastewater and industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply

such as a stand-by treatment units and clear well facilities; and any works, including land, that will be an integral part of a treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

(bbb) "Twenty-four hour flow of proportional composite sample," a sampling consisting of several effluent proportions collected during a 24-hour period in which the portions of a sample are proportional to the flow and combine to form a representative sample.

(ccc) "Unpolluted water," water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(ddd) "User" shall mean any occupied property or premise having a connection to the sewer system or having access thereto.

(eee) "Waste" includes sewage and any and all other waste substances, liquid, solid, or gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(fff) "Wastewater" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground surface and storm water as may be present.

(ggg) "Wastewater constituents and characteristics," the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters as served to define, classify or measure the contents, quantity, quality and strength of wastewater.

(hhh) Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-208. <u>Use of and connection to public sewers</u>. (1) <u>Requirements</u>. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste; and it shall be unlawful to discharge to any natural outlet within the service area of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this chapter. Except

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

(2) Availability. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities, therein, and a direct connection to the public sewer shall be made within thirty days after date of official notice to do so, provided the sewer is available. The sewer shall be considered available where the first floor of the building above or on ground level can be served in accordance with the city's rules and regulations and general practice. Where a sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewerage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty days after the sewer is accepted by the treatment works. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the director for cause.

(3) Connection to public sewer. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

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

The connection of the building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the director before installation.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

All costs and expense incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) Inspection of connections. The sewer connection and all sewer laterals from the building to the sewer main line shall be inspected by an inspector of the city before any underground portion is covered.

(5) Use and maintenance of building sewers. Building sewers that have been previously used but have been abandoned due to the razing of the building structure may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this chapter. All others must be sealed to the specifications of the city. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the city.

(6) Private wastewater disposal. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter. A formal application for either original or additional service utilizing a private wastewater disposal system must be made to the city and be duly approved before construction or reconstruction is commenced.

(7) Interruption of service. The city shall be liable for any damage resulting from the failure or overflow of any sewer main, service pipes or valves, or any other facilities belonging to the city, unless by clear and convincing evidence it is established that such failure or overflow was caused by a use of such sewer. In cases of emergency the city shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the city and the treatment works.

(8) Discontinuance of service and refusal to connect service. The director shall, after written notice, and allowance of a reasonable time for remedial action (except under the emergency provisions of § 18-215(8)), have the right to discontinue service or to refuse to render service for a violation of, or failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the city. Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is

limited to only one such customer or tenant. Discontinuance of service by the director for any causes stated in this chapter shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The director shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the city or has heretofore had his service disconnected because of a violation of the chapter or the rules and regulations of the city. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-209. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provision of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provision of this section.

(2) Requirements. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the director after making such tests and examinations of the site as he deems essential to determine if the duplication area protection, zoning, subdivisions, etc., are satisfactory for underground disposal. 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. Plans and specifications for private wastewater disposal systems other than septic tanks and drainfields must be submitted to the city for review for written approval by the director. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee, and shall demonstrate such by adherence to all provisions of the permit issued by the Department of Environment and Conservation of the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(3) Connection to sewer. When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(4) Inspection. The director shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice.

(5) Wastewater disposal services. Hauled septage may be discharged only at the POTW receiving station subject to the fees and conditions set forth

in this chapter, and in conformance with the rules and policies of the water and sewer department.

(a) Types of hauled septage accepted. (i) Residential septic tank pumpage.

(ii) Sanitary wastes from holding tanks.

(iii) Special wastes with prior approval.

(b) Septage hauler permit required. (i) All haulers are required to possess a valid discharge permit prior to being allowed to discharge to the Columbia sanitary sewer system. Failure to adhere to the terms of the permit may result in penalties and/or suspension or revocation of the permit.

(ii) Permits and renewals may be issued upon submission of completed application, required fees and satisfactory evidence of vehicle insurance.

(iii) Permit renewals will not be issued to haulers who fail to comply with the terms and conditions set forth in the permit, city ordinance or state and federal statutes.

(iv) The permit holder shall immediately notify the city in writing of any changes in the business name, ownership, address, telephone number or registered vehicle. Changes to vehicles include addition, replacement, deletion or modification of the capacity of the registered vehicles.

(v) A copy of the hauled septage permit shall be carried in each registered vehicle.

(vi) Any such permit granted shall be for one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(c) Vehicle registration required. (i) Every vehicle used by the hauler to haul liquid wastes must be registered with the Columbia Wastewater System. Registration shall include the make, model, tank capacity and license number of the vehicle.

(ii) Each registered vehicle shall be issued a special discharge permit number which shall be plainly painted on each side of the motor vehicle used in the conduct of the business permitted hereunder.

(iii) Vehicles used to haul or store hazardous materials, petroleum products or petroleum derivative wastes, corrosives or toxic wastes are specifically prohibited.

(iv) Any such registration shall be one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(d) Hauled septage prohibited materials. (i) In the case of multiple pump outs in a single load, any part of the load which is prohibited shall render the entire load unacceptable.

(ii) Any wastes containing flammable, explosive, corrosive, or toxic material(s).

(iii) Any wastes containing material(s) which may be inhibitory to the process at the wastewater treatment plant, or which may result in a pass-through violation in the plant effluent.

(iv) Grease trap wastes, or other wastes containing floatables or materials which may exceed the capacity of the treatment plant.

(v) Any solids or other materials which may solidify and cause blockage or handling problems in the system.

(vi) Wastes from portable toilets that contain formaldehyde or formalin based deodorizers.

(vii) The city reserves the unconditional right to accept or reject any hauled materials as it deems necessary to protect its employees, facilities, treatment processes or effluent quality.

(e) Manifests required for all hauled septage. (i) Haulers must complete and submit a manifest for each load discharged, identifying the exact source(s) of the hauled material, including name, complete address, telephone number, waste characteristics, and approximate gallons for each site pumped, as well as the permit number of the hauler, vehicle license number and signature of the driver.

(ii) Any haulage that does not originate from a single family dwelling must include the generator's signature.

(iii) Manifests shall

(A) Conform to the sample provided by the Columbia Wastewater system,

(B) Are due on the day of discharge to the sanitary system, and

(C) Should be deposited in the receptacle provided at the POTW.

(f) Hauled septage fees.

(i) Permit application or renewal $25.00

(ii) Vehicle registration, per vehicle $10.00

(iii) Discharge fee per load, any quantity up to 1000 gallons

(A) From inside Columbia City Limits . . $25.00

(B) From outside Columbia City Limits . $37.50

(C) From outside Maury County $50.00

(iv) Laboratory analysis fees shall be when evidence indicates that the permit holder has discharged prohibited materials.

(v) Quantities exceeding one thousand (1,000) gallons shall be pro-rated in five hundred (500) gallon increments using the established fee schedule.

(g) Revocation of permit. Any person who violates the terms of a septage hauler permit by hauling substances prohibited by the permit or who misrepresents the point of septage origin shall be subject to penalties as follows:

(i) First offense, loss of permit for six (6) months.

(ii) Second offense, permanent loss of permit.

(iii) In addition to the penalties described in the paragraphs above, septage haulers shall be subject to the same penalties as industrial users with regards to discharge of prohibited and controlled substances. (Ord. #3352, March 2000, as amended by Ord. #3673, Dec. 2006, and replaced by Ord. #3932, Dec. 2012)

18-210. Applications for service--permits--penalties. (1) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the director and be duly approved before connection is made. The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time.

(a) Domestic use. Domestic use shall be defined as residential use and no use (discharge) permit shall be required.

(b) Commercial use. Commercial use shall be defined as any non-residential use. All potential commercial users shall obtain a non-residential survey upon application for building permit or sewer connection permit and shall complete it prior to issuance of a certificate of occupancy or final approval of connection to a sewer tap. The director shall review the non-residential survey and determine whether a user or discharge permit shall be required. Commercial users shall be required to annually obtain a use permit. Commercial users may be required to install grease traps, catch basins, screening devices, or other facilities to prevent the entry of harmful materials or substances into the public sewer. Such installation will be at the user's expense and shall be installed upon written notification from the director. Cleanout and upkeep of such facilities will be at the user's expense and shall be done in such a manner that the undesirable material or substance does not enter the public sewer. Records of cleanout and maintenance of such

interceptors shall be kept available for inspection by the director for a period of three (3) years and shall be submitted to the director upon written notification.

(2) Industrial use. (a) Application. An application for original, additional, or continuation of service must be made at the office of the director, and must be duly approved before connection is made. The application shall be in the prescribed form of the city and shall include to the extent reasonably available the estimated pH, temperature, volume and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant for such service.

All industrial users shall be required to pay $3,000.00 per year or $250.00 per month for an industrial discharge permit. This cost also covers monitoring of industrial discharge. In addition, industrial users will pay surcharges in the amount necessary to recover treatment costs incurred in treating extra-strength and non-compatible waste discharged over the permit level.

(b) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, The National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing report.

Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless a ten (10) day notification is given to the user.

Effluent data shall be available to the public without restriction pursuant to 40 CFR 403.14(b).

(3) Industrial discharge permit. (a) Wastewater discharge permits required. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit therefor. All existing industrial users connected to or discharging to any part of the city system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the director an application in the form prescribed by the director. In support of this application, the user shall submit the following information:

(i) Name, address, and SIC number of applicant.

(ii) Volume of wastewater to be discharged.

(iii) Wastewater constituents and characteristics.

(iv) Time and duration of discharge.

(v) Average and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

(vii) Description and quantities of all materials on the premises which are, or could be, discharged.

(viii) Any other information as may be deemed by the director to be necessary to evaluate the permit application.

The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

(ii) Effluent limits, including best management practices, based on applicable general pretreatment standards in this rule, chapter, categorical pretreatment standards, local limits, and state and local law.

(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(iv) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment, and the location thereof.

(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(vi) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vii) Compliance schedules.

(viii) Type of sampling for each sampled constituent.

(ix) Requirements to control slug discharges, if determined by the WWF to be necessary.

(x) Significant industria users are required to notify the WWF immediately of any changes at their facility affecting potential for a slug discharge.

(xi) Violations of permit--penalties. In addition to other remedies under this section, the director shall collect the following:

(A) Damages. If the industrial user is found to be in violation of its discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including the costs of such sampling and analysis as deemed necessary by the director.

(B) Administrative penalties. Up to ten thousand dollars ($10,000.00) per violation based on the severity of the violation according to the Industrial Pretreatment Enforcement Response Guide and applicable sections of this chapter.

(xii) Other conditions to ensure compliance with this chapter.

(d) Duration of permit. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. The user must apply for a new permit not more than ninety (90) days, nor less than thirty (30) days prior to expiration of the current permit. The terms and conditions of the permit may be subject to modification and change by the director during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, except as provided in § 18-215(8).

(e) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation, unless approved by the director.

(f) Revocation of permit. Any user who violates the following conditions of his permit or of this chapter, or applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of permit include, but are not limited to, the following:

(i) Intentional failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(ii) Failure of the user to report significant changes in operations or wastewater characteristics;

(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

(v) Violation of conditions of the permit.

(4) Incomplete applications. The director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall deny it and notify the applicant in writing of such action. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-211. Commercial and industrial pretreatment. (1) Criteria for pretreatment. Any wastewater discharge from a commercial or industrial user of the wastewater treatment system whose discharge violates the provisions set out in the prohibited wastewater discharges or the restricted wastewater discharges of this chapter or the industrial discharge permit shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Any commercial or industrial wastewater discharge exceeding only the limitations on wastewater strength provision of this chapter may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger, or may be subject to the surcharge for extra strength waste as long as POTW capacity exists in the opinion of the director.

(2) Pretreatment facilities. (a) Design and construction. All commercial or industrial users of the wastewater treatment works who elect or are required to construct new or additional facilities for

pretreatment, shall submit plans, specifications, and other pertinent information relative to the proposed construction to the director for approval.

Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. Written approval of the director must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the city for approval will be retained as file material for future reference with one approved copy returned to the user.

(b) Compliance schedule. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall submit written progress reports to the director as required by the director under the schedule or compliance order, based on the complexity of the pretreatment requirement. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstances beyond the user's control, this time may be extended by the director for a period of time not exceeding the time limits imposed by federal pretreatment regulations.

(c) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the director and written approval for operation is issued to the owner by the director. The director or his representative shall be allowed to inspect the work at any state of construction, and in any event, the applicant for the permit shall notify the director when the work is ready for final inspection. In addition, the director shall be allowed to make periodic inspections of the facilities in operation as he deems necessary.

The director may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the director or his representatives ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations.

(d) Maintenance of facilities. It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The director must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair

and maintain all pretreatment facilities on a high priority basis. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-212. Monitoring, reports, access, and safety. (1) Monitoring facilities. All industrial users for whom a discharge permit is issued must install a special sampling facility to be built in accordance with City of Columbia specifications. Users in areas designated for industrial development (industrial parks and any zoned industrial area) must also install such a sampling manhole whether or not a discharge permit is issued.

When, in the judgment of the director, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the director may require that separate monitoring facilities be installed for each separate source of discharge.

Permanent monitoring facilities that are required to be installed shall be constructed and maintained at the users expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense. Wastewater samples will be made available to the industry if requested. However, the industry is responsible for providing its own adequate sample containers.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The director may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for city personnel, and to secure the city's monitoring equipment.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the director, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed as required by the director following written notification unless an extension is granted by the director.

Reporting requirements for industrial users upon effective date of categorical pretreatment standard--baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Tennessee Rule 1200--4-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a WWF shall be required to submit to the control authority a report which

contains the information listed in subparagraphs (a)-(g) of the paragraph. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subparagraphs (a)-(e) of this paragraph. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subparagraphs (d) and (e) of this paragraph:

(a) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners.

(b) Permits. The user shall submit a list of any environmental control permits held by or for the facility.

(c) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

(d) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from each of the following:

(i) Regulated process streams; and

(ii) Other wastestreams as necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-14-.06(5). (See part (e)(iv) of this paragraph.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants. (i) The user shall identify the pretreatment standard applicable to each regulated process.

(ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with the best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

(iii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-140.06(5) in order to evaluate compliance with the pretreatment standard. Where an alternative concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjustment limits along with supporting date shall be submitted to the control authority.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the WWF or other parties, approved by the administrator.

(vi) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subparagraphs (2) (d)-(f) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 1200-4-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation),

this report shall include the user's actual production during the appropriate sampling period.

The city shall require frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate.

For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) grab samples mut be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. The city shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(2) Reports. All Significant Industrial Users (SIU) and categorical industrial users are required to submit periodic self-monitoring reports under 40 CFR 403.12(e) and other sections. These requirements include, but are not limited to, the following:

(a) SIUs shall submit to the POTW, at least twice a year, reports which, at a minimum, describe the nature, concentration, and flow of pollutants which are limited by the POTW (403.12(e) and (h)). In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user;

(b) If sampling performed by an SIU indicates a violation, or any measurement of any concentration or mass limit or flow or other parameter specified in the permit is exceeded, the SIU shall notify the POTW within twenty-four (24) hours of becoming aware of the violation or excessive discharge. The SIU shall also repeat the sampling and analysis except for BOD, suspended solids, ammonia, or flow and submit the results of the repeat analysis to the POTW within thirty (30) days after becoming aware of the violation (403.12(g)(2)). Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis.

(c) An SIU that monitors any pollutant more frequently than required by the permit or other regulation shall include the results of the extra monitoring in the report (403.12(g)(5)).

(d) The self-monitoring reports shall include the following certification statement:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations. (403.12(1) and 403.6(a)(2)(ii)).

(e) The self-monitoring reports shall be signed as follows:

(i) If the SIU is a corporation, the responsible corporate officer is a president, secretary, treasurer or vice-president in charge of the principal business function, or any other person who performs similar policy-making or decision-making functions or the manager at one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

(ii) By a general partner or proprietor if the SIU is a partnership or sole proprietorship, respectively.

(iii) By a duly authorized representative of the individual in (i) or (ii) above if:

(A) The authorization is made in writing;

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility, and

(C) The written authorization is submitted to the POTW (403.12(1))

(f) Any industrial user subject to a categorical pretreatment standard [except a non-significant categorical industrial user as defined in subparagraph (b) in the definition of "significant industrial user" in Tennessee Rule 1200-4-14-.03(1)], after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the city or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subparagraph (2)(d) of this rule except that the city may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.

The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass limits where requested by the director of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be one (1) twenty-four (24) hour

monitoring period per one (1) to three (3) million gallons of discharge until under the director's discretion sufficient results have shown consistent compliance with permit limitations. The frequency for a particular industry shall be indicated on its industrial discharge permit.

All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provision of part 136 section 304 (h) of the Act [33 U.S.C. 1314 (h)] and contained in 40 C.F.R. and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the director. The report shall have the signature of an authorized representative that certifies the validity of the report.

(3) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;

(b) The dates analyses were performed;

(c) Who performed the analyses;

(d) The analytical techniques/methods used; and

(e) The results of such analyses.

Any industrial user subject to the reporting requirements established in this section (including documentation associated with best management practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director, approval authority, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or WWF when requested by the director or the Environmental Protection Agency.

(4) Entry on private property. The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for waste treatment. Such information should be requested to be confidential under § 18-210(2)(b).

(5) Safety. While performing the necessary work on private properties, the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or

property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(6) Easement. The director and other duly authorized employees of the city and personnel of the Tennessee Department of Environment and Conservation bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-213. Discharge regulations. (1) Applicability. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a WWF by existing or new industrial users in specific industrial subcategories are established as separate regulations under the appropriate subpart of 40 CFR chapter 1, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this rule chapter. Tennessee Rule 1200-4-14-.06. All users of the facilities of the POTW shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR part 136 or equivalent methods approved by the EPA.

(2) Prohibited wastewater discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:

(a) Any water or wastes having explosive properties, containing toxic or poisonous substances, or noxious or malodorous gas, vapor, or fumes which either singly or by interaction with other wastes is capable of causing an obstruction, or which may in any other way cause any interference with the proper operation of the POTW, or in a quantity that may cause acute worker health and safety problems.

(b) Any polluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.

(c) Wastes with objectionable color not removable by the treatment process.

(d) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds forty degrees (40°) Centigrade (one hundred and four degrees (104° Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding sixty-five point five degrees (65.5°) Centigrade (one hundred fifty degrees (150° Fahrenheit).

(f) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of POTW.

(g) No person shall discharge or permit to be discharged any radioactive waste into a public sewer except:

(i) When the person is authorized to use radioactive materials by the Tennessee Department of Health or the Nuclear Regulatory Commission;

(ii) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(iii) When a copy of permits received from said regulatory agencies have been filed with the director.

(h) Wastewater at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation; or any discrete or "slug" discharge that would cause a treatment process upset and subsequent loss of treatment efficiency no matter what the duration.

(i) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewer, with no particle greater than one-half (½) inch in any dimension.

(j) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(k) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit or sixty degrees (60°) Centigrade using the test methods specified in 40 CFR 261.21.

(l) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or passthroughs.

(m) Any priority pollutant in amounts that will contaminate the treatment works sludge.

(3) Restricted wastewater discharges. No person or user shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying the requirements shall be considered in violation of this chapter.

Pollutant	Daily Average[1] Max. Conc. (mg/l)	Instantaneous Max. Conc. (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	1.8	1.8
Copper	2.1	2.1
Cyanide	1.0	1.5
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Selenium	0.1	0.2
Silver	1.0	1.5
Surfactants, as MBAS	5.0	8.0
Zinc	2.0	3.5
Phenols	10.0	15.0
Oil and Grease	N.A.	100.0

[1]Based on 24 hour flow proportional composite samples, except cyanide, surfacants, phenols, and oil and grease which are grab samples.

(4) Protection of treatment plant influent. The director shall monitor the treatment works influent for each parameter in the following table. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the director shall initiate technical studies to determine the cause of the influent violation and shall determine the necessary remedial measures including, but not limited to establishment of new or revised pretreatment levels for these parameters. The director shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes needed for more effective operation of the POTW.

Pollutant	POTW Influent Maximum Concentration (mg/l)
Boron	1.0
Copper	0.561
Chromium	0.514
Nickel	0.088
Cadmium	0.0102
Lead	0.207
Mercury	0.0046
Silver	0.037
Zinc	0.36
Cyanide	0.022
Phenol	0.03
Bis (2-ethyl hexyl) Phthalate	0.013
Butyl Benzyl Phthalate	0.219
Di-n-butyl Phthalate	0.024
Dienthyl Phthalate	0.126

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the director from

establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit or violation of any federal or state pretreatment requirement.

(7) Limitations on wastewater strength. It is the intent of this chapter to regulate all discharges of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by twenty-four (24) hour composite samples, shall be as follows:

Pollutant	Daily Average Concentration (mg/l)
BOD	250
SS	250
Ammonia	30

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-213(2) and (3) of this chapter. Exceptions can be granted according to the following guidelines.

The director shall allow applications for temporary exceptions at any time. However, the director shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the director.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the director upon reasonable notice.

The user requesting the exception must demonstrate to the director that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and discharge, if exempted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

At such time that the levels of pollutants must be reduced because of violations of any of the provisions of this section, the following method shall be used to reduce the discharge levels: All users shall be required to reduce their discharge levels by a sufficient amount to meet the standard being violated. All users shall be required to reduce their discharge levels by a sufficient amount to meet the standard being violated.

(c) Review of application by the director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the director upon application and for just cause shown. Upon receipt of a complete application the director shall evaluate and act upon same within thirty (30) days.

(d) Criteria for review of application by the director. The director shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-213 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307 (a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(9) Relaxation of discharge criteria. The director shall, to the maximum extent feasible, recommend a relaxation of criteria established in this chapter in the event the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards.

(10) Accidental discharge. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds for

any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the director for review, and shall be approved by the director before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the director (or his designated official) by telephone to enable countermeasures to be taken by the director to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any administrative penalties, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. In order that employees of users be informed of the city's requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the director from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.

(d) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

(e) Notification of changes affecting potential to slug discharge. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

(f) Notification of changed discharge. All industrial users shall promptly notify the control authority (and the WWF if the WWF is not the control authority) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Tennessee Rule 1200-4-14-12(16).

(g) The industrial user shall notify the WWF, the EPA Regional Waste Management Division director, and state hazardous waste authorities in writing of any discharge into the WWF of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 1200-1-11. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-214. Wastewater charges, fees, and billing. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the city which will enable it to comply with the revenue requirements of the Act and its amendments. Charges and fees shall be determined in a manner consistent with regulations of the Act and policies of the city to insure that sufficient revenues are collected to defray the city's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and equitable industrial cost recovery of EPA administered federal grants.

(2) Classification of users. All users are to be classified by the director either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the city's cost.

(3) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but not be limited to:

(a) User classification charges;
(b) Fees for monitoring, maintenance, and analysis;
(c) Fees for permits;
(d) Surcharge fees;
(e) Industrial cost recovery charge;
(f) Discharge permit fees.

(4) Charges and billing. (a) Wastewater service charge. The wastewater service charge for normal domestic wastewater is based on the water discharged to the POTW as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow

and the schedule of charges and fees adopted by the city in title 18, chapter 1 of the Columbia Municipal Code.

(b) Extra strength surcharge. Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this chapter with an appropriate permit therefore will be subject to a surcharge to compensate the POTW for above normal operating and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the schedule of charges and fee calculated by the director. Users who discharge extra strength wastes without a permit shall be subject to the enforcement provisions of this chapter.

(c) Industrial cost recovery charge. All nongovernmental users identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under Division A (Agriculture, Forestry and Fishing), Division B (Mining), Division D (Manufacturing), Division E (Transportation, Communications, Electric, Gas, and Sanitary Services), and Division I (Services), which discharge to the sanitary sewers wastes other than domestic wastes or wastes from sanitary conveniences shall be assessed an Industrial Cost Recovery Charge as required in title 40, part 35 of the U.S. EPA Regulations, based on a schedule of charges and fees adopted by the city.

The ICR charge will not be assessed until required by applicable federal regulations.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the city, subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition to the wastewater service charge. This surcharge shall be based on a surcharge schedule which will be formulated by the director.

(i) Minimum charges. The minimum charge for sewer service will be stated in the schedule of rates and charges as established by the city, in title 18, chapter 1 of the Columbia Municipal Code.

(ii) Estimated billing. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. The director also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water supply and discharges the wastewater into the POTW, the customer must install or have installed according to the city's specifications and maintain a supplementary meter to measure the amount of water so used and the amounts so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and correction of errors. Adjustments to billing for over or under registration of meters, for leaks, for the determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are granted to water consumers by the city will be accepted by the city and such adjustments for water use shall be applied in obtaining the indicated adjustment billing for sewer charges. All other requests for adjustments of sewer charges made to the city shall be referred to the director who will handle such complaints. Any adjustments or decision thus authorized by the director shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of nonavailability of sewers may be made to the director. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge, or one (1) year, whichever is less.

(5) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedure provided in this chapter. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-215. Administrative enforcement remedies. (1) Correction of violation. In order to enforce the provisions of this chapter, the director shall correct any violation thereof. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, is strictly liable and shall be subject to any and all enforcement provisions of this chapter. The director shall be guided by the Industrial Pretreatment Enforcement Response Guide, but shall be able to exercise all remedies and enforcement actions authorized by this chapter and state and federal laws and regulations.

(2) Notification of violation. Whenever the director finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the director or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this

notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the use of liability of any violations occurring before or after receipt of the notice of violation.

(3) Consent orders. The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the non-compliance. Such orders will include specific action to be taken by the industrial user to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-215(5) below.

(4) Show cause hearing. The director may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(5) Compliance order. When the director finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(6) Cease and desist order. When the director finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith.

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(7) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount not to exceed ten thousand dollars ($10,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and

distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the director shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property.

(8) Emergency suspensions. (a) The director may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subsection (9) below are initiated against the user.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of the hearing described in paragraph (b) above.

(9) Termination of permit. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(a) Violation of permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater constituents and characteristics.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non compliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under paragraph (4) above why the proposed action should not be taken.

(10) Reconsiderations/appeals. (a) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the director interpreting or implementing the provisions of this chapter or in the granting or refusing

of any permit issued hereunder, may file with the director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The director's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom.

(b) If the ruling made by the director is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the wastewater appeals board. The written appeal shall be heard within thirty (30) days from the date of filing. The board shall make a final decision on the appeal within fifteen (15) days of the close of the meeting. The decision, action, or determination of the wastewater appeals board shall remain in effect during the pending of any appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(c) The wastewater appeals board shall be appointed by the Mayor of Columbia and approved by the city council. It shall consist of three (3) members, one (1) to represent industries near or in Columbia which do not discharge to the POTW, one (1) to represent water quality regulators from governments near Columbia, and one (1) person to represent those eligible to vote in Columbia, which person must have sufficient technical qualifications to enable them to understand the scientific basis of this chapter. The first member appointed shall serve a one (1) year term. The second appointed shall serve a two (2) year term. The third and subsequent years appointments shall serve three (3) year terms. The director shall serve as nonvoting executive secretary to the wastewater appeals board. Each member of the wastewater appeals board shall receive a per diem of twenty-five dollars ($25.00) for each meeting called to consider appeals from wastewater department customers. The wastewater appeals board shall not meet more often than once per appeal. (Ord. #3352, March 2000, as replaced by Ord .3932, Dec. 2012)

18-216. <u>Judicial remedies</u>. (1) <u>Judicial remedies</u>. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court and/or Chancery Court for Maury County, Tennessee.

(2) <u>Injunctive relief</u>. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the director, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which

restrains or compels the activities on the part of the industrial user. The director shall have such remedies to collect these fees as it has to collect other sewer service charges.

(3) Civil penalties. (a) Any industrial user who has violated or continues to violate this chapter or permit or order issued hereunder, shall be liable to the director for a civil penalty of not more than ten thousand dollars ($10,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The director shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(4) Criminal prosecution. (a) Violations--generally.

(i) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed ten thousand dollars ($10,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars ($10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(b) Falsifying information. (i) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a penalty of not more than ten thousand dollars ($10,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars ($10,000.00) per violation per day or imprisonment for not more than three (3) years or both. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-217. Supplemental enforcement remedies. (1) Annual publication of significant violations. The director shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation, as defined in 40 CFR 403.8(f)(2)(vii), with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism 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, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of BMPs, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(2) Performance bonds. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a

value determined by the director to be necessary to achieve consistent compliance.

(3) Liability insurance. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(5) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Columbia Municipal Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.

(6) Informant rewards. The director is authorized to pay up to five hundred dollars ($500.00) for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative penalty or civil penalty levied against the user, the director is authorized to disperse up to ten percent (10%) of the collected penalty to the informant. However, a single reward payment may not exceed ten thousand dollars ($10,000.00).

(7) Contractor listings. (a) Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Columbia.

(b) Existing contracts for the sale of goods or services to the City of Columbia held by an industrial user found to be in significant violation with pretreatment standards may be terminated at the discretion of the municipality. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

18-218. Affirmative defenses. (1) Treatment upsets. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the director thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

(a) A description of the upset, its causes, and impact on the discharger's compliance status.

(b) The duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance is continuing, the time by which compliance is reasonably expected to be restored.

(c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the director for any noncompliance with this chapter, or an order or permit issued hereunder, by the user, which arises out of violations attributable or alleged to have occurred during the period of the documented and verified upset.

(2) Treatment bypasses. (a) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(iii) The industrial user properly notified the director as described in the paragraph below.

(b) Industrial users must provide immediate notice to the director upon discovery of an unanticipated bypass. If necessary, the director may require the industrial user to submit a written report explaining the causes, nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the director at least ten (10) days in advance. The director may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-218(2)(a). (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012)

CHAPTER 3

WATER

SECTION

18-301. Board of public utilities to operate system.
18-302. Rules and regulations, and definitions.
18-303. Water service rates, fees, and charges.
18-304. [Deleted.]
18-305. [Deleted.]
18-306. Unauthorized use of fire hydrants.
18-307. Installation of fire hydrants on private property.
18-308. [Deleted.]
18-309. [Deleted.]

18-301. Board of public utilities[1] to operate system. There is vested in the "Board of Public Utilities," all of the powers, duties and responsibilities placed upon the Board of Waterworks and Sewerage Commissioners by Pub. Acts 1933, ch. 68, and the "Board of Public Utilities" is hereby granted full jurisdiction over the waterworks plant, distribution system, all real estate, or interest in real estate, all personal property, and all equipment and other things appertaining thereto; provided, however, that the funds derived from the sales of bonds and all revenue received from the operation of the municipal waterworks system shall at all times be kept separate and handled in the manner provided under said Pub. Acts 1933, ch. 68, and provisions of the waterworks revenue bond ordinances. (1968 Code, § 13-101, modified)

18-302. Rules and regulations, and definitions. The rules and regulations for the distribution of water by the City of Columbia, Tennessee, operating the Columbia Power and Water Systems, through the Board of Public Utilities of said City of Columbia, shall be as hereinafter set out.

The term "distributor" when used in this chapter shall mean the City of Columbia operating said Columbia Power and Water Systems, by and through the Board of Public Utilities, and the term "customer" shall mean any person, firm, partnership, corporation, or other legal entity receiving water service from the distributor.

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[1]The original board was appointed on February 3, 1939, to begin serving on July 1, 1939, pursuant to the terms of the "Municipal Electric Plant Law of 1935."

See the Minutes of the Board of Mayor and Aldermen for February 3, 1939, and June 2, 1939, of record in the office of the city recorder.

(1) Rules and regulations. The rules and regulations necessary to ensure the safe and effective use of water service within the water system's service area shall be established by the board of public utilities. Such rules and regulations shall include customer connection requirements and fair and reasonable payment policies.

(2) Restricted use of water. In times of emergencies or in times of water shortage, the city, through the board of public utilities, reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. Such conditions may be specified in the current drought management plan as it may be amended from time to time.

(3) Declaration of water shortage. A water shortage may be declared by the board of public utilities with the concurrence of the mayor at such times as the water supply is deemed inadequate from its source or from the water treatment plant or because of the distribution system.

(4) Interruption of service. The city will, through its board of public utilities, endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

(5) Waiver of notice. In connection with the operation, maintenance, repair and extension of the city's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the presumption of services without notice after such interruption. (1968 Code, § 13-102, as amended by Ord. #3330, Oct. 1999, and replaced by Ord. #3946, April 2013)

18-303. Water service rates, fees, and charges. Definitions. For the purpose of this section:

(1) "Commercial/industrial multi-unit master meter" means two (2) or more non-residential units purchasing water through one (1) master water meter.

(2) "Consumer" means the person actually consuming or using water.

(3) "Customer" means a person directly purchasing water from and supplied water by the Columbia Water System.

(4) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives, county or municipal governments or any organized group of persons.

(5) "Residential multi-unit master meter" means two (2) or more dwelling units purchasing water through one (1) master water meter.

(6) "Sales for resale" means potable water being sold by a state approved waterworks system to persons that are not customers of Columbia Water System and the waterworks system has a written contract with said system.

(7) "Suburban area" means that area outside the city limits of the City of Columbia, Tennessee.

(8) "Urban area" means that area within the city limits of the City of Columbia, Tennessee.

SCHEDULE A – URBAN AREA

Rate Schedule	August 1, 2011	July 1, 2012
Customer Charge:		
Residential	$ 9.00	$ 9.50
Commercial	$12.50	$13.00
Industrial	$58.50	$59.00
Multi-Unit Charge:		
Residential per unit	$4.00	$4.00
Commercial per unit	$5.50	$5.50
Residential Commodity Charge:		
0–5,000 gallons	$2.15 per 1,000	$2.40 per 1,000
All over 5,000 gallons	$2.40 per 1,000	$2.70 per 1,000
Commercial and Industrial Commodity Charge:		
0–5,000 gallons	$2.15 per 1,000	$2.40 per 1,000
All over 5,000 gallons	$2.40 per 1,000	$2.70 per 1,000

Multi-unit charge: A multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents ($.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

SCHEDULE B – SUBURBAN AREA

Rate Schedule	August 1, 2011	July 1, 2012
Customer Charge:		
Residential	$13.50	$14.00
Commercial	$17.60	$18.00
Industrial	$58.50	$59.00
Multi-Unit Charge:		
Residential per unit	$4.00	$4.00
Commercial per unit	$5.50	$5.50
Residential Commodity Charge:		
0–5,000 gallons	$2.80 per 1,000	$3.15 per 1,000
All over 5,000 gallons	$3.10 per 1,000	$3.50 per 1,000
Commercial and Industrial Commodity Charge:		
0–5,000 gallons	$2.80 per 1,000	$3.15 per 1,000
All over 5,000 gallons	$3.10 per 1,000	$3.50 per 1,000
Sales for resale	$2.30 per 1,000	$2.45 per 1,000

Multi-unit charge: A multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents ($.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

SCHEDULE C – WATER SERVICE FOR PRIVATE FIRE PROTECTION

Unmetered private fire protection: This rate is applicable to all consumers requiring private fire protection water service on unmetered mains in areas where Columbia Water System has adequate main capacity to meet consumers' demand for water.

Rate Schedule	August 1, 2011	July 1, 2012
Customer Charge:	$7.66 per month	$7.66 per month
Sprinkler Service:	$.06 per sprinkler head per month	$.06 per sprinkler head per month
Fire Hydrant:	$9.19 per hydrant per month	$9.19 per hydrant per month
Connection Charge:	The actual costs of making connections to consumer's unmetered fire service line or lines shall be paid by consumer.	

SCHEDULE D – UNMETERED WATER SERVICE FOR PUBLIC FIRE PROTECTION

All fire hydrants installed for the City of Columbia after January 1, 1989 shall be purchased and installed by Columbia Water System. The City of Columbia shall reimburse Columbia Water System the average cost for the materials, labor, transportation, design and engineering and shall make said reimbursement in sixty (60) equal payments at no interest. (Ord. #3450, March 2002, as replaced by Ord. #3640, June 2006, Ord. #3748, April 2008, and Ord. #3886, June 2011)

18-304. [Deleted.] (1968 Code, § 13-104, as deleted by Ord. #3946, April 2013)

18-305. [Deleted.] (1968 Code, § 13-107, as deleted by Ord. #3946f, April 2013)

18-306. Unauthorized use of fire hydrants. It shall be unlawful for any person not authorized by the Columbia Water System to withdraw or discharge water from any fire hydrant maintained by the Columbia Water System. (1968 Code, § 13-108)

18-307. <u>Installation of fire hydrants on private property</u>. In all instances and in all locations where the City of Columbia and its duly authorized officials determine that the fire hydrants should be located on private property, the following conditions are hereinafter set out.

(1) The owners of such private property grant to the City of Columbia a suitable easement for the location of said fire hydrant providing access, ingress and egress and all access necessary for maintenance and repair.

(2) Feed and charges associated with the installation and use of private fire hydrants shall be provided in Schedule C of § 18-303 as it may be amended from time to time.

(3) In all cases where property owners decline to grant such easement providing ingress, egress and general access, then if such fire hydrants are located on such private property, the City of Columbia shall not bear the expense of rental of said fire hydrants. (1968 Code, § 13-109, as replaced by Ord. #3946, April 2013)

18-308. [<u>Deleted</u>.] (1968 Code, § 13-110, as deleted by Ord. #3946, April 2013)

18-309. [<u>Deleted</u>.] (1968 Code, § 13-111, as deleted by Ord. #3946, April 2013)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-401. Definitions.
18-402. Standards.
18-403. Construction, operation, and supervision.
18-404. Statement required.
18-405. Inspections required.
18-406. Right of entry for inspections.
18-407. Correction of existing violations.
18-408. Use of protective devices.
18-409. Application of chapter.
18-410. Discontinuance of water service for noncompliance.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks as operated by the Columbia Water System to furnish water to Columbia and surrounding area.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water, water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other auxiliary intake or any reservoir which contains or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow, including but not limited to by-pass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than the public water system.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Person." Any and all persons, proprietorships, partnerships, joint ventures, or other entities, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

(6) "Superintendent." The Superintendent of the Columbia Water System or his authorized representative. (1968 Code, § 8-301)

18-402. Standards. The Columbia Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with the State of Tennessee, which pertain to cross-connections and bypasses, and establish an effective ongoing program to control same. (1968 Code, § 8-302)

18-403. Construction, operation, and supervision. No person shall cause a cross-connection or by-pass, to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection or bypass, is at all times under the direct supervision of the superintendent. (1968 Code, § 8-303)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises an auxiliary intake or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections. Such statement shall also contain an agreement that no cross-connection will be permitted upon the premises. (1968 Code, § 8-304)

18-405. Inspections required. Columbia Water System will have the authority to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved shall be established by the superintendent and as approved by the Tennessee Department of Health. (1968 Code, § 8-305)

18-406. Right of entry for inspections. The superintendent shall have the right to enter, at any reasonable time, any property served by the public water supply for the purpose of inspecting the piping system or systems therein for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed grounds for the Columbia Water System to immediately terminate water service. (1968 Code, § 8-306)

18-407. Correction of existing violations. Any person who now has cross-connections in violation of this policy shall be allowed a reasonable time, not to exceed thirty (30) days (unless a special extension of said time is requested in writing and granted by the Columbia Water System), within which to comply with the provisions of this policy. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this policy and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Columbia Water System shall be grounds for denial of access to the public water supply. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1968 Code, § 8-307)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.

(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

Then in such event, the superintendent shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacturer, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

The Columbia Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service may be critical, the superintendent shall notify the occupant of the premises in writing, of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the superintendent.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, removing, bypassing, or altering of the protective device(s), so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Columbia Water System. (1968 Code, § 8-308)

18-409. <u>Application of chapter</u>. The requirements contained herein shall apply to all premises served by the Columbia Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Columbia Water System to provide water service to any premises. This chapter being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe or otherwise undesirable, shall be enforced rigidly without regard to location of the premises or to boundaries of any political subdivision served by the public water supply. (1968 Code, § 8-309)

18-410. <u>Discontinuance of water service for noncompliance</u>. Whenever any person neglects or refuses to comply with any of the provisions of this chapter, the superintendent shall discontinue the public water supply service at any premises upon which there is found a cross-connection, and service shall not be restored until such cross-connection has been discontinued. (1968 Code, § 8-310)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY[1]

SECTION

19-101. Board of public utilities to operate system.
19-102. Rules and regulations, and definitions.
19-103. Electric system rates, fees and charges.

19-101. Board of public utilities to operate system. The "Board of Public Utilities" of the City of Columbia, is hereby authorized and empowered to take over and assume the general supervision, management, and control of the properties composing the electric power distribution system for the City of Columbia, consisting of that part of the system heretofore constructed by the City of Columbia and that system purchased or to be purchased under the contract between Commonwealth & Southern Corporation, the Tennessee Valley Authority, the City of Columbia, and others, dated as of May 12, 1939, and any extensions thereof. The "Board of Public Utilities" shall do all things as authorized under the authority of Pub. Acts 1935, ch. 32 and laws supplemental thereto and under the Bond Resolution passed June 2, 1939, by the board of mayor and aldermen of the City of Columbia and any amendments thereto authorizing the issuance of Electric Revenue Bonds for the purpose of acquiring and improving the system of the Tennessee Electric Power Company.

The board operating the Electric Distribution System is substituted for the Board of Waterworks and Sewerage Commissioners provided for in Pub. Acts 1933, ch. 68. (1968 Code, § 13-101, modified)

19-102. Rules and regulations, and definitions. The rules and regulations for the distribution of electricity by the City of Columbia, Tennessee, operating the Columbia Power and Water Systems, through the Board of Public Utilities of said City of Columbia, shall be hereinafter set out.

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[1]Municipal code reference
Electrical code: title 12.

The term "distributor" when used in this chapter shall mean the City of Columbia operating said Columbia Power and Water Systems, by and through the board of public utilities, and the term "customer" shall mean any person, firm, partnership, corporation or other legal entity receiving electric service from the distributor.

The rules and regulations necessary to ensure the safe and effective use of electric power within the electric system service area shall be established by the board of public utilities. Such rules and regulations shall include customer connection requirements and fair and reasonable payment policies. (1968 Code, § 13-105, as replaced by Ord. #3945, April 2013)

19-103. Electric service rates, fees and charges. The rates and fees for electric service and related charges shall be set by the board of public utilities. It is understood that the distributor's electric rates shall comply with the conditions set forth in the current Tennessee Valley Authority Power Contract. (1968 Code, § 13-106, as replaced by Ord. #3945, April 2013)

CHAPTER 2

GAS[1]

SECTION

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the City of Columbia and its inhabitants under such franchise as the city council shall grant.[2] (1968 Code, § 13-401)

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[1]Municipal code reference
Gas code: title 12.

[2]Franchise agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. ANTI-LITTER ORDINANCE.
2. ALARM SYSTEMS.
3. CIVIL EMERGENCIES.
4. IMPROVEMENT ASSESSMENTS.
5. PARK RULES AND REGULATIONS.

CHAPTER 1

ANTI-LITTER ORDINANCE

SECTION

20-101. Title.
20-102. Definitions.
20-103. Litter in public places.
20-104. Placement of litter in receptacles so as to prevent scattering.
20-105. Sweeping litter into gutters prohibited.
20-106. Merchants' duty to keep sidewalks free of litter.
20-107. Litter thrown by persons in vehicles.
20-108. Truck loads causing litter.
20-109. Litter in parks.
20-110. Litter in lakes and fountains.
20-111. Throwing or distributing commercial handbills in public places.
20-112. Placing commercial and noncommercial handbills on vehicles.
20-113. Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
20-114. Distribution of handbills prohibited where property posted.
20-115. Distributing commercial or noncommercial handbills at inhabited private premises.
20-116. Dropping litter from aircraft.
20-117. Posting notices prohibited.
20-118. Litter on occupied private property.
20-119. Owners to maintain premises free of litter.
20-120. Litter on vacant lots.
20-121. Placement of inoperable/abandoned vehicles on property located within the city.
20-122. Penalties.

20-101. Title. This chapter shall be known and may be cited as the "City of Columbia Anti-Litter Ordinance." (1968 Code, § 8-501)

20-102. Definitions. For the purposes of this chapter each of the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Aircraft." Any contrivance now known or hereafter invented used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(2) "Authorized private receptacle." A litter storage and collection receptacle as required and authorized in the city.

(3) "City." The City of Columbia, Tennessee.

(4) "Commercial handbill." Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business, mercantile, or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such license is or may be required by any law of this state or under this code or any other ordinance of this city; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

(5) "Garbage." Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(6) "Litter." "Garbage," "refuse," and "rubbish," as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(7) "Newspaper." Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, such term shall mean and include any periodical or current magazine regularly published with not less than four issues each year and sold to the public.

(8) "Noncommercial handbill." Any printed or written matter, any sample or device, dodger, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printer or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park." A park, reservation, playground, beach, recreation center, or any other public area in the city owned or used by the city and devoted to active or passive recreation.

(10) "Private premises." Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(11) "Public place." Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(12) "Refuse." All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, used non-serviceable appliances, washing machines, dryers, refrigerators, domestic and commercial equipment, and solid market and industrial wastes.

(13) "Rubbish." Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(14) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (1968 Code, § 8-502)

20-103. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (1968 Code, § 8-503)

20-104. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 Code, § 8-504)

20-105. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1968 Code, § 8-505)

20-106. Merchants' duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. (1968 Code, § 8-506)

20-107. Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. (1968 Code, § 8-507)

20-108. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter, or foreign matter of any kind. (1968 Code, § 8-508)

20-109. Litter in parks. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park

by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1968 Code, § 8-509)

20-110. Litter in lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the city. (1968 Code, § 8-510)

20-111. Throwing or distributing commercial handbills in public places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, or other public place, within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. (1968 Code, § 8-511)

20-112. Placing commercial and noncommercial handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (1968 Code, § 8-512)

20-113. Depositing commercial and noncommercial handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1968 Code, § 8-513)

20-114. Distribution of handbills prohibited where property posted. No persons shall throw, deposit, or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left upon such premises. (1968 Code, § 8-514)

20-115. Distributing commercial or noncommercial handbills at inhabited private premises. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the

owner, occupant, or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in this chapter) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 Code, § 8-515)

20-116. Dropping litter from aircraft. No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1968 Code, § 8-516)

20-117. Posting notices prohibited. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, or shade tree or upon any public structure or building, except as may be authorized or required by law. (1968 Code, § 8-517)

20-118. Litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. (1968 Code, § 8-518)

20-119. Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1968 Code, § 8-519)

20-120. Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (1968 Code, § 8-520)

20-121. <u>P acement of inoperable/abandoned vehicles on property located within the city</u>. (1) <u>Definitions</u>. The following definitions shall apply in the interpretation and enforcement of this section:

(a) "Property" shall mean any real property within the city which is not a street, highway or public right-of-way.

(b) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the road or ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, but not be limited to, automobiles, trucks, trailers, motorcycles, and tractors.

(c) "Inoperable/abandoned vehicle" shall mean any vehicle or part thereof which:

(i) Is inoperative or which is wrecked, dismantled, partially dismantled or discarded; or

(ii) Which is left unattended on public or private property for more than ten (10) days; or

(iii) Has remained illegally on public property for a period of more than forty-eight (48) hours; or

(iv) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) <u>Commercial lots and business</u>. All vehicles which are being repaired during the course and scope of the operation of commercial business on commercially zoned lots for more than ten (10) working days shall be considered to be inoperable/abandoned and shall be moved to a location which is not visible from adjacent properties or from any city street. This shall require the business owner or commercial operation to erect a visual screen by fence or other appropriate means as approved by the city engineer.

(3) <u>Abandoning prohibited</u>. No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for any period of time as to cause such vehicle to appear to have been abandoned.

(4) <u>Location or presence of any inoperable or abandoned vehicles within city deemed public nuisance; exceptions</u>. The location or presence of any inoperable or abandoned vehicle or vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by rendering inoperable, dismantling, abandoning or discarding such vehicle or vehicles on the property of another or to permit or allow the same to be placed, located, maintained or to exist upon his or their own real property; provided that this section shall not apply to:

(a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer operated in a lawful manner when necessary to the operation of such business;

(c) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or other governmental authority; or

(d) Inoperable vehicles stored on private property provided, the vehicles are maintained in such a manner that they do not constitute a health hazard and are screened from public view by a fence or other appropriate means. Car covers are not an authorized and sufficient screen from public view.

(5) Abatement or removal order; contents; service. (a) Whenever such public nuisance exists on private property in the city in violation hereof, the city manager, or his/her designee who shall administer this section, shall give not less than ten (10) days, written notice to the owner and/or occupant of the real property where such public nuisance exists to abate or remove the same. Said notice shall state the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before the expiration of said ten (10) days period by the owner and/or occupant of such property. Such notice shall be mailed by certified or registered mail to the owner and/or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned as undeliverable by the United States Post Office, official action to abate said nuisance shall be set on a date not less than ten (10) days from the date of such return.

(b) If the owner and/or occupant of the real property in question requests a hearing the city manager or his/her designee shall select a committee of three (3) persons from the staff of the city with no more than two (2) members being from any one department. The committee will hear the appeal as soon as practicable but not later than thirty (30) days after the request for a hearing. During such hearing, evidence will be considered to determine whether a public nuisance exists in violation of this section. Following such hearing an order will be issued if a nuisance is found to exist providing for the abatement of such nuisance by the city or the owner or occupant of the premises. Any order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. The decision of the committee shall be

final except for whatever rights the owner and/or occupant may have for judicial review.

(6) Removal with permission of owner or occupant. At any time ten (10) days after receipt of notice from the city manager, or his/her designee to abate the nuisance as herein provided, the owner or occupant of the premises may give his/her written permission to the City of Columbia to remove an inoperable or abandoned vehicle from the premises at the expense of the owner and/or occupant. The giving of such permission shall be considered compliance with the provisions of this section.

(7) Removal without permission of owner or occupant. (a) If such public nuisance is not abated by any person owning or occupying the real property where such vehicle is located, whether as owner, tenant, occupant, lessee or otherwise, and an inoperable or abandoned vehicle remains on said property following the ten (10) days' notice period specified in subsection (5)(a), with no hearing requested by the owner or occupant of said property where the vehicle is located, official action shall be taken by the city to abate such nuisance at the expense of the person owning or occupying the property.

(b) Prior to entry upon private property for the purposes specified in this section, the city manager or his/her designee shall apply to the City of Columbia Municipal Court, or any court of competent jurisdiction, for any warrant or order necessary for the entry onto private property to examine vehicles or parts thereof, obtain information as to the identity of the owners of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this section. The City of Columbia Municipal Court shall have the authority to issue all orders and warrants necessary to enforce this section.

(c) The city manager or his/her designee, may enter upon private property for the purposes specified in this section to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this section. Any such inoperable or abandoned vehicle shall be impounded at the cost of the owner of the vehicle or the person owning or occupying the real property for which the vehicle was removed until lawfully claimed or disposed of in accordance with this section.

(8) Immediate removal authorized. Nothing in this section shall affect the power of the city to permit immediate removal of a vehicle left on public property, which constitutes an obstruction to traffic.

(9) Collection of abatement expense; lien. When any nuisance has been abated by the city as provided in this section, all expenses, including administrative fees, incurred in abating same shall be billed to the owner of the

vehicle or the person owning or occupying the real property from which such vehicle was removed and shall become a lien against said real property. If the owner of the vehicle or the person owning or occupying the property from which such vehicle was removed, fails to pay the costs and administrative fees, such costs and fees shall be collected at the same time and in the same manner as delinquent real property taxes. In the alternative, the city may collect the costs and administrative fees assessed through an action for debt filed in any court of competent jurisdiction.

(10) Violations, penalty. Any person violating any of the provisions of this section shall be punished by a fine of not more than fifty dollars ($50.00) for each offense and each day of continuing violation shall constitute a separate offense. (Ord. #3472, Sept. 2002)

20-122. Penalties. (1) Upon a finding of the city court that the person so cited is guilty of violating any of §§ 20-101 through 20-120 of this code, on the first offense said person shall be fined fifty dollars ($50.00) and be required to remove litter from the city streets, city playgrounds, city parks or any other appropriate city locations for not less than fourteen (14) hours nor more than six (6) months. For conviction of a second or subsequent offense, a person violating any of §§ 20-101 through 20-120 of this code, shall be fined an additional fifty dollars ($50.00) and be required to remove litter from the city streets, city playgrounds, city parks or any other appropriate city locations for not less than forty (40) hours nor more than six (6) months.

(2) In addition to the mandatory minimum penalties established in subsection (1) the court may in its discretion require a person convicted under this part to:

(a) Remove any substance which was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense; and/or

(b) Work in a recycling center or other appropriate location for any stated period not to exceed six (6) months.

(3) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for violation of any section of this chapter except § 20-121, shall receive a reward of one hundred dollars ($100.00). The city shall provide the reward money from the proceeds of the mandatory fines collected under this section.

(4) The proceeds from the mandatory fines for littering shall be collected by the city court clerk and deposited in the general fund. Such fines shall be identified as a line item revenue.

(5) The city shall expend the funds generated by the mandatory fines provided in this section by appropriation for litter enforcement rewards. Excess funds, if any, may be expended for other litter control programs on adoption of

an appropriate ordinance by the city council. (Ord. #3247, Aug. 1998, as amended by Ord. #3265, Dec. 1998, modified)

CHAPTER 2

ALARM SYSTEMS

SECTION

20-201. Title.
20-202. Definitions.
20-203. Notification and permits required.
20-204. Duties of permit holders.
20-205. Violations.
20-206. Automatic dialing devices.
20-207. Appeals procedure and rights to a hearing.
20-208. Response to false alarm--required reports of corrective action and disconnection.
20-209. Enforcement.
20-210. Disposition of fees.

20-201. Title. This chapter shall be known as the "Alarm Ordinance." (1968 Code, § 13-401)

20-202. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medic-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central

station which are permanently active and terminate within the Communications Center of the Columbia Police Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employee, servants or agents; or any other activation of the alarm system not caused by a fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the fire chief of the Columbia Fire Department or his designated representatives.

(7) "Law enforcement officer" means the chief of police of the Columbia Police Department or his designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof.

(9) "Residential premises" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units. (1968 Code, § 13-402)

20-203. <u>Notification and permits required</u>. Every person who shall own, operate or lease any alarm system as defined herein within the corporate limits of the City of Columbia, Tennessee, whether existing or to be installed in the future, shall, within one hundred and twenty (120) days of the effective date of this chapter for existing alarm systems, or prior to the use of new alarm systems, notify the Columbia Police Department, on forms to be provided, of:

(1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom.

(2) Whether installed in a residential or commercial premises.

(3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system.

(4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars ($15.00) to the

City of Columbia Recorder's Office for obtaining a permit for each alarm device in said system, if the system is maintained on residential premises, and thirty dollars ($30.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are due January 1 annually and will be prorated during the year applied for. Annual renewal fees of fifteen dollars ($15.00) for residential users and thirty dollars ($30.00) for commercial users will apply. (1968 Code, § 13-403, amended by Ord. #3269, Dec. 1998)

20-204. Duties of permit holders. (1) Each owner, operator, or lessee shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.

(2) Each owner, operator, or lessee of an alarm system shall insure that the correct address identification is visible from the street or roadway on which the premises are located.

(3) Any audible alarm shall be equipped with an automatic shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(4) The current alarm registration sticker provided each permittee shall be displayed near the primary entrance so as to be easily visible from outside the building. (1968 Code, § 13-404)

20-205. Violations. (1) It shall be a violation of this chapter to have a functional alarm system without having obtained a permit required by § 20-303.

(2) Having an alarm activated without a permit shall constitute a violation of this chapter.

(3) It shall be a violation of this chapter when any Columbia Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 20-302(5) have been exhausted.

(4) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by police or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

(5) It shall be a violation of this chapter for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.

(6) It shall be a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the Police Department Communications Center is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene

before the original call is cancelled. If a responding police or fire service has not arrived on the scene within 20 minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

(7) Any non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars ($50.00) plus (+) court costs. (1968 Code, § 13-405)

20-206. <u>Automatic dialing devices</u>. (1) Within one hundred and twenty (120) days of the effective date of this chapter, it shall be a violation of this chapter for any automatic dialing device to call on the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency police, fire or emergency medical services phone numbers.

(2) Any automatic dialing device shall:

(a) Have a clearly understandable recording.

(b) Be capable of repeating itself a minimum of two times.

(c) Be capable of automatically resetting itself so as to not continuously call police, fire or EMS phone numbers.

(3) Programmed messages on an automatic dialing device must include and are restricted to the following:

(a) The owner's/resident's name and the exact street number and name.

(b) A statement that it is burglar or robber/panic "ALARM ONLY." It shall not say burglary or robbery "in progress."

(c) A statement of the hours the business is open, if the device is used for both burglar and robber/panic alarms.

(d) A statement that a third-party has been notified, and the identity of that third-party, if a third-party is notified by the device. (1968 Code, § 13-406)

20-207. <u>Appeals procedure and rights to a hearing</u>. (1) After a sixth (6th) false burglary alarm, a fourth (4th) false robbery/panic alarm, or a fourth (4th) false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, a properly designated law enforcement officer or fire officer may file a request, in writing, with the board of appeals within fifteen (15) days of the date the request of revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder, in writing, that a request for revocation has been filed with the board of appeals and the date on which it is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars ($50.00). Appeals upheld by the board will result in a refund of the appeals fee.

(2) Pursuant to the administration of this chapter, a board of appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this chapter. Said board shall be appointed by the mayor and approved by the council, and consist of the following:

(a) One (1) member of the police department.

(b) One (1) member of the fire department.

(c) Three (3) private citizens, one (1) member being a representative of the local alarm industry, one (1) a residential alarm user, and one (1) a commercial alarm user.

(3) The city recorder or his/her appointed clerk is hereby designated as secretary of the board of appeals and shall serve as custodian of its records. (1968 Code, § 13-407)

20-208. <u>Response to false alarm--required reports of corrective action and disconnection</u>. (1) The only alarms the Columbia police department, fire department or Emergency Medical Service will respond to are:

(a) Burglary (residential and business).

(b) Robbery/Hold-up (business only).

(c) Fire (residential or business).

(d) Medical (residential and business).

(e) Panic (residential only).

(2) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any police or fire department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the police communications center back within five minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Columbia police officer or fire officer has already arrived before the second call has been made to the signal 9; to disregard; to cancel. If a member of the Columbia Police Department or Columbia Fire Department has not arrived on the scene within 20 minutes of the original alarm (notification), it will not be a chargeable response or fine of any sort.

(4) After the allowable false alarms set out in § 20-302(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Columbia Municipal Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the police department of the corrective action taken to remedy the problem/situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered

on any premises required by law to have an alarm system in operation. (1968 Code, § 13-408)

20-209. <u>Enforcement</u>. Columbia police and fire department officers are specifically authorized to enforce this chapter. Any Columbia police or fire officer may lawfully issue a citation to an owner, operator or user of a functional alarm system who has not obtained the permit required by § 20-303, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under § 20-302(2). (1968 Code, § 13-409)

20-210. <u>Disposition of fees</u>. All fees collected pursuant to this chapter shall be paid to the City of Columbia general fund.

The provisions of this chapter shall not be applicable to residential or commercial premises which are located outside the municipal limits of the City of Columbia. (1968 Code, § 13-410)

CHAPTER 3

CIVIL EMERGENCIES

SECTION

20-301. Definitions.
20-302. Proclamation of civil emergency.
20-303. Curfew authorized.
20-304. Powers of manager during civil emergency.
20-305. Violations.
20-306. No intent to limit peaceful demonstrations, etc.
20-307. Exceptions to curfew.

20-301. Definitions. (1) A "civil emergency" is hereby defined to be:

(a) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority by law.

(b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Columbia, Tennessee, resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

(c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) A "curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of Columbia, Tennessee except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter. (1968 Code, § 1-801)

20-302. Proclamation of civil emergency. When in the judgment of the city manager (or in his absence, the mayor), a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder. (1968 Code, § 1-802)

20-303. **Curfew authorized**. After proclamation of a civil emergency by the city manager, he may order a general curfew applicable to such geographic areas of the city or to the city as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the city manager, but not to exceed fifteen (15) days. (1968 Code, § 1-803)

20-304. **Powers of manager during civil emergency**. After proclamation of a civil emergency, the City Manager of Columbia, Tennessee, may at his discretion, in the interest of the public safety and welfare, make any of the following orders:

(1) Order the closing of all retail liquor stores.

(2) Order the closing of all establishments wherein beer or alcoholic beverages are served.

(3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.

(4) Order the discontinuance of the sale of beer.

(5) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(6) Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.

(7) Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.

(8) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition.

(9) Issue such other orders as are necessary for the protection of life and property. (1968 Code, § 1-804)

20-305. **Violations**. Any person violating the provisions of this chapter or any executive order issued pursuant hereto shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 Code, § 1-805)

20-306. **No intent to limit peaceful demonstrations, etc**. It is the intent of the city council not to limit peaceful demonstrations, freedom of speech, or the lawful use of the streets, alleys, and public property except to the extent necessary to avert or control a civil emergency. (1968 Code, § 1-806)

20-307. <u>Exceptions to curfew</u>. Any curfew as defined herein shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1968 Code, § 1-807)

CHAPTER 4

IMPROVEMENT ASSESSMENTS

SECTION

20-401. Title.
20-402. Definitions.
20-403. Improvements and issuance of bonds authorized.
20-404. Improvement procedure.
20-405. Public hearing, final action of city, and petition for certiorari.
20-406. Construction bids, performance bond and construction by city's own forces.
20-407. Assessments.
20-408. Assessment resolution and hearing.
20-409. Municipal, state and federal property subject to assessments.

20-401. Title. Be it hereby ordained an ordinance to be known as the Property Assessment Ordinance of the City of Columbia. (1968 Code, § 6-701)

20-402. Definitions. For the purpose of this chapter, unless a different meaning clearly appears in the context, the following definitions of terms shall be used in its interpretation:

(1) "Benefitted property; property to be benefitted and frontage." The city council may assess the expense of improvements on the property benefitted by the improvements, or upon the property adjoining and contiguous or abutting upon such improvements, in proportion to the frontage, or according to benefits, as determined by the council.

(2) "Costs." Cost of labor, materials, equipment necessary to complete an improvement, land, easements, and other necessary expenses connected with an improvement including preliminary and other surveys, inspections of the work, engineers' fees and costs, attorney fees, fiscal agent fees, preparation of plans and specifications, publication expenses, interest which may become due on bonds before collection of the improvement assessments, a reasonable allowance for unforeseen contingencies, and other costs of financing.

(3) "Improvement." Construction, installation or substantial reconstruction of sanitary sewers; construction, substantial reconstruction, or widening of streets, sidewalks and other public ways, including necessary storm drainage facilities, curb and gutter, or any combination of the foregoing.

(4) "Sanitary sewer." An underground conduit for the passage of sewerage, and pumping stations, pressure lines, and outlets where deemed necessary. (1968 Code, § 6-702)

20-403. Improvements and issuance of bonds authorized. The City of Columbia is hereby authorized to provide for, construct, and issue bonds, if necessary, to finance the improvements heretofore defined as provided in Tennessee Code Annotated, §§ 7-33-101 to 7-33-318. (1968 Code, § 6-703)

20-404. Improvement procedure. When the City Council of the City of Columbia shall determine to consider construction of an improvement heretofore defined; or, when the City Council of the City of Columbia is petitioned by a group of interested owners of property and the said city council decides to study the project feasibility, the city council shall adopt a resolution providing for preliminary plans and estimates of the costs to be prepared by the wastewater department for all sanitary sewers and by the city engineering department for all other improvements and to render a report to the city council. Following receipt of the above described report and upon determination by the city council that the project should be constructed, a subsequent resolution shall be adopted describing the project and geographical limits of same and making a declaration that the improvement will be designed and constructed and will be supervised by the city. A statement shall also be made as to the proportion of total costs to be assessed against benefitted properties, which shall not exceed two thirds (2/3) of the total costs of the improvement; provided, however, that the total costs may be assessed against benefitted properties if the property owners who own seventy five percent (75%) of the front footage to be benefitted petition the city council for an improvement and state in their petition that they agree to pay the total cost of said project. In all succeeding proceedings, the city shall be bound and limited by the resolution as it may be amended, except that the total costs assessed against benefitted properties may exceed the preliminary estimate of costs by not more than ten percent (10%). The resolution shall provide for a public hearing before the city council at a time and a place specified therein. The city shall publish a notice of the hearing at least seven (7) days in advance of the hearing in a newspaper of general circulation in the municipality and by posting same at the city hall. Said notice shall state that any owner of property to be benefitted may appear to be heard as to:

(1) Whether the proposed improvement should be undertaken as planned, or abandoned, and

(2) Whether the design, costs, cost allocation, or scope of the improvement should be altered.

Said notice shall be sent by first class mail to the owners of properties to be benefitted or their agents of record at the time of adoption of the resolution at the address currently entered on the property assessment records. (1968 Code, § 6-704)

20-405. Public hearing, final action of city, and petition for certiorari. At the public hearing required herein, or at the time and place to which same may be adjourned from time to time, all persons whose property may be affected by such improvement may appear in person, by attorney, or by petition. After said public hearing and after considering any objections, the city council shall confirm, amend or rescind the resolution authorizing the project as its final action. Such final action shall be the final determination of the issues presented unless the owner of property to be benefitted files, within ten (10) days thereafter, a petition for certiorari in the circuit court having jurisdiction to review the action of the governing body. Failure to take such steps within said ten (10) days shall constitute a waiver of all objections. (1968 Code, § 6-705)

20-406. Construction bids, performance bond and construction by city's own forces. If the project is to be constructed by contract, the city council may authorize receipt of proposals for the construction of an improvement which shall be solicited by sealed competitive bids after public advertisement at least once in a newspaper having general circulation in the municipality not less than ten (10) days prior to the date set for receipt of bids. The governing body may accept a bid, or combination of bids, or, without bids, it may direct that the improvement be accomplished by the municipality's own forces. The city council may also authorize the inclusion of the project to another contract for which bids have been or may be received. The city council may authorize the work to be completed by a combination of contract, contracts, and city forces. (1968 Code, § 6-706)

20-407. Assessments. After the completion of the work, it shall be the duty of the city council in conformity with the requirements of the design and construction resolution to apportion the applicable cost and expense of such improvement or improvements upon the land abutting on or adjacent to said street, highway, avenue, alley, or other public place improved, which appointment shall be made against said land, and the several lots or parcels on said street, highway, avenue, alley or other public place, provided, however, that the aggregate or total amount of the levy or assessment made upon or against any lot or parcel of land shall not exceed one-half (½) of the cash value of said lot and improvements thereon. Cash value shall be identified in Tennessee Code Annotated, § 7-32-116.

Where intersections of any street, avenue, highway, or other public place are improved, the City of Columbia shall pay one-third of the cost thereof, and the balance shall be assessed against the property of the streets improved. The cost of any improvement contemplated shall be established by the city council and may include the expense of the preliminary and other surveys, and the

inspection and superintendence of such work, the preparation of plans and specifications, the printing and publishing of notices, resolutions, and ordinances required, including notice of assessment, preparing bonds, interest on bonds, and other expense necessary for the completion of such improvement or improvements; provided, however, that the cost of any guaranty or maintenance of any work constructed under these provisions shall not be assessed against the property abutting on or adjacent to any street, avenue, highways or other public place improved. (1968 Code, § 6-707)

20-408. <u>Assessment resolution and hearing</u>. When the costs have been compiled for the improvements, the city recorder, or such person as may be designated by the city council shall thereupon publish a notice of a public hearing before the city council to consider the assessment resolution and said notice shall contain a time and date for the public hearing and a statement to the effect that an assessment list has been completed and that, on the day named, which shall be not less than ten (10) days after the date of publication of said notice, the city council will consider any and all objections to said costs or assessments that have been filed in the office of said recorder or such person designated.

Said notice shall further recite that said lists are in the office of said recorder or person designated, and may be inspected within business hours of the City of Columbia and during the ten (10) day period by anyone interested. Said notice shall describe the general character and location of the improvement. All persons whose property it is proposed to assess for the costs of said improvement, or improvements, may at any time, on or before the date named in such notice, and before said meeting of the city council, file in writing with the recorder, or person designated, any objection or defenses to the proposed assessment or to the amount thereof. On the date named in said notice or to any day to which said meeting may be adjourned, or to which the consideration of said assessment and the objections thereto may be postponed, said city council shall hear and consider said assessment and objections thereto, and after so doing, shall confirm, modify or set aside said assessment as shall be deemed right and proper. If no objection to the pro rata or the amount thereof is filed, or if the property owners fail to appear in person, or by attorney, and insist upon the same, the assessment shall be confirmed and made final; and the property owners who do not file objections in writing or protest against said assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of said assessment. Such confirmation and final action by said city council shall be done by resolution at a single meeting of said body.

All such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except

those of the state and county and city, for taxes. The enforcement of the state, county and city of its liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvement authorized herein shall not operate to discharge, or in any manner affect the City of Columbia's lien for such assessment; but a purchaser at a tax sale by the state, county or city of any lot or parcel of land upon which said assessment had been levied shall take the same subject to the lien of such assessment, and if bought by the state, any conveyance of the title thus acquired or any redemption shall be subject to the lien of such assessment; provided, however, that any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the city council of said City of Columbia. If in any court of competent jurisdiction any final assessment is set aside for irregularity, omissions or defects in the proceedings, then the city council, may, after notice as required in the making of the assessment resolution, make a new assessment in accordance with the provisions herein.

All assessments levied by virtue of this chapter shall be due and payable within thirty (30) days after the assessment has been made final as aforesaid; however a property owner may notify the city in writing that he elects to pay said assessment in five (5) annual installments as herein provided and said assessment amount shall bear interest at the rate of six percent (6%) per annum on the unpaid balance. A property owner desiring to exercise the privilege of payment by installment shall, before the expiration of the thirty days, enter into an agreement in writing with said city. Providing that in consideration of such privilege he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same as agreed with the specified interest and all costs of collection, including a reasonable attorney fee, upon default as hereinafter provided. Said agreement shall be filed in the office of the city recorder, or person designated, and in all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in full without interest before the expiration of said thirty days; provided, that any property owner who shall have elected in writing to pay his assessment in five annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest. If any property owner shall default in the payment of any installment and interest thereon, all of said installments, with interest, shall become immediately due and payable.

The City of Columbia may permit owners of benefitted property to pay improvement assessments, plus interest at the rate of six percent (6%) per annum on the unpaid balance and reasonable collection costs, in consecutive

equal monthly installments not to exceed a term of five (5) years. The first installment shall be due and payable when the improvement assessment is due. A monthly payment shall be delinquent thirty (30) days after it is due and payable, and the unpaid balance of the improvement assessment, plus all accrued interest and all costs of collection, including a reasonable attorney fee, shall be due and payable immediately.

After the city council shall have levied said assessments against the property abutting on or adjacent to such street, highway, avenue, alley, or other public improvement, the said recorder or person designated, shall enter same upon the accounts of the City of Columbia to conveniently show:

(1) Name of owner of such property.

(2) The number of lot or part of lot and the plat thereof, if there be a plat.

(3) The frontage of said lot and the depth thereof.

(4) The amount that has been assessed against such lot.

(5) Method of payment.

Said accounts shall be indexed according to the name of the owners of the property and according to the location of the improvements.

Whenever any installment of any assessments shall become past due for a period of sixty days, it shall be the duty of the recorder to certify said delinquent installments, and all other installments of the same assessment to the city attorney, whose duty it shall be to immediately enforce the collection of said assessment, plus accrued interest and costs of collection herein above set forth.

In case of any such default the lien hereunder shall be enforced in the Chancery Court of Maury County, Tennessee.

Any land attached may be sold in an attachment proceeding in bar of the equity of redemption, and all other rights legal or equitable, belonging to the owners of said land. (1968 Code, § 6-708)

20-409. <u>Municipal, state and federal property subject to assessments</u>. Benefitted property owned by the municipality, county, the State of Tennessee, the United States Government, or their agencies (if federal law makes such property subject to assessment) shall be subject to improvement assessments, the same as private properties, and the amount of each annual improvement assessment shall be paid by the municipality, county, State of Tennessee, United States Government, or their agencies, as the case may be. In the case of the State of Tennessee, the amount of the improvement assessment shall be certified by the municipality to the commissioner of finance and administration, who shall direct the state treasurer to pay the same to the municipality out of an appropriate appropriation or from any money in the state treasury not otherwise appropriated. No benefitted property shall be exempt

from improvement assessments. Improvement assessments against such public property shall be enforceable by writ of mandamus or other appropriate remedy. (1968 Code, § 6-709)

CHAPTER 5

PARK RULES AND REGULATIONS

SECTION

20-501. Definitions.
20-502. Director to operate parks.
20-503. Commission--powers and duties.
20-504. Rules, regulations, and fees.
20-505. Park enforcement.
20-506. Preservation of park features; public health and safety.
20-507. Prohibited acts.
20-508. Events and permits.

20-501. Definitions. For the purposes of this chapter the following definitions shall apply:

(1) "Animal," means any wild or domesticated animal.

(2) "City park," means any park, community center, lands, or recreation facility, owned by, leased by, or under the control of the city.

(3) "Commission," means the City of Columbia Parks and Recreation Commission.

(4) "Director," means the director of parks and recreation or a representative designated by him/her.

(5) "Officer," means any person employed or appointed by the city as a City of Columbia Police Officer.

(6) "Pet," means any dog, cat, horse, mule, donkey, llama, goat, sheep, chicken, or other domesticated animal. (Ord. #3341, Feb. 2000)

20-502. Director to operate parks. The operation and maintenance of all city parks shall be under the control of the director subject to the supervision of the city manager. (Ord. #3341, Feb. 2000)

20-503. Commission--powers and duties. The Columbia Parks and Recreation Commission shall serve as an advisory board to the director of parks and recreation, the city manager and the city council in any matters relating to the parks and recreation department. (Ord. #3341, Feb. 2000)

20-504. Rules, regulations, and fees.[1] The director shall promulgate rules and regulations for the operation of city parks and fees and charges for the

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[1]Fees and charges for city parks are provided by resolution, of record in the office of the city recorder.

use of city parks, which shall be effective from the time they are reviewed by the commission and approved by the city manager and city council. Such rules and regulations, or excerpts thereof, shall be posted in city parks if such posting is feasible in the opinion of the director; irrespective of posting, copies of such rules and regulations shall be available to persons desiring copies thereof at the office of the director during business hours. No person shall violate and no person shall fail to comply with said rules and regulations. (Ord. #3341, Feb. 2000)

20-505. Park enforcement. The City of Columbia Police Department is responsible for enforcing the provisions of this chapter and the rules and regulations of the director, and shall take appropriate action in the case of any violations thereof. By reference, the police department shall be responsible for park enforcement in accordance to Ordinance #1518, including any and all amendments, thereto. The director may bar individuals or groups from specific park areas, specific parks, or the entire park system, for a reasonable period of time, for violations of the park rules and regulations. (Ord. #3341, Feb. 2000, modified)

20-506. Preservation of park features; public health and safety.

(1) Penalty. Any person who violates any provision of this code and is guilty of a misdemeanor as provided in the sections of this code, is punishable by a fine up to fifty dollars ($50.00) as imposed by the City of Columbia Court.

(2) Plants. No person shall pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn or carry away any plant or vegetation, or portion thereof, including aquatic plants.

(3) Animals. No person shall trap, kill, wound or maltreat any wild or domesticated animal, and no person shall permit any pet to pursue, trap, kill, or wound any wild or domesticated animal.

(4) Geological features. No person shall destroy, disturb, deface, or remove earth, sand, gravel, oil, minerals, rocks or fossils, features of caves, or any parts thereof.

(5) Archeological/historical features. No person shall search for or collect any archeological feature using a metal detector or any other method, or destroy, deface, or remove any archeological or historical features or any parts thereof.

(6) Special permits. The director may grant a permit to remove, destroy or otherwise disturb plants or animals or geological, archaeological or historical materials upon finding that such permit will be in the best interests of the city and does not violate any local, state, or federal regulations.

(7) Littering. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part

of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. By reference, this rule shall be enforced in accordance to Ordinance #825, including any and all amendments thereto.

(8) Fire hazards. No person shall ignite or permit to be ignited a fire in any location in a city park except in a cooking area provided by the city. No person shall throw away any lighted tobacco product, or any burning or combustible material or other matter that could set fire to grass, shrubs, buildings or any other combustible substance.

(9) Stoves. No person using a park stove shall permit such stove to remain in any untidy or unsanitary condition, nor shall any such person fail to clear away therefrom all cooking and eating utensils and waste matter after use thereof. Any person who uses a park stove shall, when such use is completed, extinguish the fire therein.

(10) Water pollution. No person shall place any garbage or other waste, or any soiled eating or cooking utensils or anything similar, in any stream, lake, pond, pool or at any hydrant for the purpose of cleaning the same, nor shall any person use any stream, lake, pond, pool or hydrant for washing or bathing, or for disposal of refuse, or for any activity which would tend to cause the pollution thereof. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the city. By reference, this rule shall be enforced in accordance to Ordinance #825, including any and all amendments thereto.

(11) Children. No person shall permit any child under the age of seven years to play in any playground area, or fish, swim or play in or near any lake, pool or drainage ditch unless such child is attended by an adult. It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, place of amusement and entertainment, vacant lots or any unsupervised place within the corporate limits of the City of Columbia, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday. By reference, this rule shall be enforced in accordance with Ordinance #1935, including any and all amendments thereto.

(12) Toilet facilities. No person shall loiter about any toilet facilities.

(13) Glass beverage containers in city parks. Glass beverage containers are strictly prohibited from all playground areas within city parks. The director may further exclude glass beverage containers from city parks or adjacent parking and sidewalk areas where the director finds that the use of glass beverage containers substantially conflicts with the general use, enjoyment, and

safety of such parks. All persons shall comply with any such order of the director.

(14) Golf in city parks. The playing of golf or golf practice is strictly prohibited from all athletic fields within city parks. The director may further prohibit the playing of golf or golf practice from within city parks, or may limit the playing of golf or golf practice to designated areas within city parks, where the director finds that golf substantially conflicts with the general use, enjoyment, and safety of such parks. All persons shall comply with any such order of the director. (Ord. #3341, Feb. 2000, modified)

20-507. Prohibited acts. (1) Closing hours. No person shall remain upon the grounds of a city park or occupy the grounds of a city park or occupy the grounds of such parks, or any part thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain therein, except between the posted hours of any day, unless authorized by the director. The director may at his/her discretion designate and enforce opening and closing times, which shall be posted, for such grounds or facilities and for the use of such equipment.

(2) Disobeying orders and tampering with signs. No person shall refuse or fail to comply with any lawful order, signal or other direction of a parks and recreation department employee or an officer. No person shall deface, damage, or remove any warning sign, equipment, or other material placed on or near a park pursuant to the provisions of this chapter.

(3) Defacement prohibited. No person shall in any way deface or mutilate any tree, fence, wall, building, railing, playground equipment, or picnic structure, monument or any other object or structure within a city park.

(4) Weapons and fireworks. Weapons and fireworks are strictly prohibited from all city parks. No person shall possess, use, transport, carry, fire, or discharge any fireworks, firearm, weapon, air gun, archery device, slingshot, or explosive of any kind across, in or into a city park. By reference, this rule and exceptions to this rule shall be enforced in accordance to municipal code § 11-603, including any and all amendments thereto.

(5) Alcoholic beverages and controlled substances. Alcoholic beverages and controlled substances are strictly prohibited from all city parks. No person shall transport into a city park, possess or consume upon the premises of a city park, any intoxicating liquors or any other controlled substances.

(6) Vehicles. All vehicles entering a city park shall be operated in a lawful manner at all times. A valid driver's license and current vehicle registration are required by Tennessee Vehicle Codes. Proof of such documents shall be furnished to an officer on request. No person shall drive a vehicle within a city park other than in a reasonable and prudent manner and with due regard for traffic and road conditions. In no event shall a vehicle be driven at

a speed which endangers the safety of persons, property or wildlife. No vehicle shall be driven in a city park at a speed greater than the posted speed limits.

(7) Parking. No person shall park any vehicle within a park except for the duration of his visit to such park. No person shall leave or park any motor vehicle on any driveway, turf area, or at any other place or places that are not designated as places for vehicle parking. By reference, this rule shall be enforced in accordance to Ordinance #1606, including any and all amendments thereto.

(8) Walkways/roadways. No person shall ride or drive a moped, motorcycle, automobile or any other motorized vehicle other than on an automobile roadway unless authorized to do so by the director. The primary purpose of walkways shall be for pedestrian uses and for non-motorized modes of travel, for example roller-skates and bicycles. No person shall obstruct the free travel of pedestrians on any walkway, roadway or avenue or of vehicles on automobile roadways unless authorized to do so by the director.

(9) Washing or repairing cars. No person shall engage in the washing, cleaning, polishing, repairing, renovating or painting of any vehicle within a city park, except that emergency repairs immediately necessary to render such vehicle safe may be authorized by an officer.

(10) Commercial vehicles. No commercial vehicle shall enter any part of a city park to engage in commercial activities, without first obtaining permission to do so from the director. A commercial vehicle is a vehicle of a type maintained for the transportation of persons for hire, compensation, or profit or designed, used or maintained primarily for the transportation of property.

(11) Advertising, soliciting, selling, and conducting business. No person shall vend, offer for sale or dispose of any goods, wares, or merchandise, or conduct any business within a city park unless authorized to do so by the director. No person shall distribute, circulate, give away, or throw or deposit any hand bills, circulars, pamphlets, tracts, dodgers or advertisements, or post, or affix to any tree, fence or structure situated within the city park any such hand bill, circular, pamphlet, tract, dodger or advertisement, unless authorized to do so by the director. By reference, this rule shall be enforced in accordance with Ordinance #825, including any and all amendments thereto.

(12) Gambling and fortune telling. No person shall play any game of chance for money or tokens of value. No person shall maintain, carry on or expose any gaming or gambling table, contrivance, instrument, equipment or device. No person shall engage in fortune telling, palm reading, character analysis, phrenological exhibitions or demonstrations, or any other like display, demonstration or exhibit in a city park for a charge, fee or donation of money, or any other valuable consideration.

(13) Games. No person shall play or engage in organized league games or sports except at such places as shall be specifically designated for that purpose by the director or by an officer.

(14) Climbing. No person shall climb upon any tree, rock, or other natural feature, or upon any portion of any structure of any kind that has been created for public use other than public playground equipment specifically designed for such purposes.

(15) Swimming. No person shall swim in any lake, stream or pond in any city park unless authorized by the director.

(16) Aircraft. No person shall transport, assemble or use any aircraft including hot air balloons, hang glider, or motorized craft designed to export a person or persons in air flight or fly, launch or land over or upon any city park without written authorization from the director.

(17) Remote controlled models. No person shall use any model airplane, model car, or model boat, either tethered or remote controlled in a city park except in areas designated by the director.

(18) Animals. No horse, mule, donkey, llama, or other domesticated pack animal shall be hitched to any tree or shrub or structure in a manner that may cause damage to park property. No person shall ride, drive, lead or keep a saddle horse or other domesticated pack animal in any city park, except on such roads, trails, or areas as the director may designate and subject to such regulations as the director may promulgate.

(19) Pets. (a) Except as prohibited by this section and subject to the conditions set out herein, pets are permitted in city parks during the hours that such parks are open to the public. By reference, this section shall be applied to dogs in accordance to Ordinance #1043, including any and all amendments thereto.

(b) Notwithstanding the provisions of subsection (a) hereof, no person shall bring a pet into, permit a pet to enter into or remain in, or possess a pet in any city park without first having obtained any required inoculation or valid license for such pet. Evidence of such inoculation or valid license shall be presented by the person responsible for such pet when required by an officer.

(c) All pets in city parks shall be closely attended at all times. No person shall permit a pet to run loose or turn a pet loose in any portion of the city park system, unless such action is of benefit to the city, or upon written authorization by the director.

(d) No person shall within a city park permit a pet to be or remain unattended outside or inside an enclosed vehicle.

(e) No person shall keep or permit to remain within a city park, a noisy, vicious or dangerous pet, or a pet which disturbs other persons within the boundaries of a city park.

(f) Any person bringing a pet into a city park is solely responsible for the actions of such pet. Such person shall immediately identify himself to an officer and report any injury inflicted by such pet upon any person or any damage caused by such pet to any real or personal property.

(g) The director may further regulate pets in, or may exclude pets from any city park or section of a city park where the director finds that the presence of pets substantially conflicts with the general use and enjoyment of such parks, excepting a dog accompanying an unsighted or deaf person.

(20) Peace and quiet. No person shall disturb the peace and quiet of a city park by any loud or unusual noise, or by the sounding of automobile horns or noisemaking devices, or by using a loud automobile radio or portable radio. By reference, this rule shall be enforced in accordance to municipal code § 11-402 including any and all amendments thereto.

(21) Profane, obscene, or abusive language or gestures. The use of profane, obscene, or abusive language or gestures is strictly prohibited from all city parks.

(22) Fighting. Fighting is strictly prohibited from all city parks. (Ord. #3341, Feb. 2000, modified)

20-508. Events and permits. The use of city parks and park facilities for private uses, special events, and recreational programs by individuals, groups, clubs, and organizations shall be regulated by parade permits, facility reservation contracts, special use permits, and non-exclusive and occupancy permits.

(1) Events opened to the public. No person shall setup or maintain any exhibition, show, performance, concert, place of amusement, lecture, oration, or benefit to be opened to the public without first acquiring a parade permit. By reference, this rule shall be enforced in accordance to Ordinance #1923, including any and all amendments thereto. This section does not apply to special events as planned and hosted by the city.

(2) Events opened by invitation, registration, or membership. The advance reservation of park facilities for private uses (e.g., meetings, birthday parties, family reunions, wedding receptions, etc.) to be held during normal hours of park operations shall be regulated by facility reservation contracts. The reservation of park facilities that are not normally reserved or reservations that extend beyond the normal hours of park operations for private uses, special events, or recreational programs shall be regulated by special use permits. Special use permits shall be used for events that are scheduled on a sporadic basis (e.g., youth sports tournaments, etc.). Non-exclusive use and occupancy permits shall be used to regulate private uses, special events, and recreational

programs that are scheduled on a regular and recurring basis (e.g., youth sports season, etc.). Facility reservation contracts, special use permits, and non-exclusive use and occupancy permits shall be standardized agreements. These agreements shall be reviewed by the commission and approved by the city manager and city council. The director shall execute each standardized agreement on an as-needed basis. (Ord. #3341, Feb. 2000, modified)

APPENDIX

A. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

APPENDIX A

OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR EMPLOYEES OF THE CITY OF COLUMBIA

TABLE OF CONTENTS

PAGE

I. Purpose.. . . . . A-2
II. Coverage. A-3
III. Definitions. A-4
IV. Employer's rights and duties. A-6
V. Employee's rights and duties. A-6
VI. Administration. A-8
VII. Standards authorized.. . . . . A-9
VIII. Variance procedure.. . . . . A-9
IX. Recordkeeping and reporting.. . . . . A-11
X. Employee complaint procedure... . . . . A-11
XI. Education and training.. . . . . A-12
XII. General inspection procedures.. . . . . A-13
XIII. Imminent danger procedures.. . . . . A-15
XIV. Abatement orders and hearings.. . . . . A-16
XV. Penalties.. . . . . A-17
XVI. Confidentiality of privileged information... . . . . A-17
XVII. Compliance with other laws not excused.. . . . . A-17
XVIII. Severability.. . . . . A-17

APPENDICES
I. Organizational chart. A-19
II. Safety and health organizational chart.. . . . . A-20
III. Employee notification.. . . . . A-21
IV. Program budget. A-23
V. Accident reporting procedures. A-24

I. Purpose. The City of Columbia, in electing to update and maintain an effective occupational safety and health program for its employees shall:

a. Provide a safe and healthful place and condition of employment.

b. Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational

accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

c. Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program.

d. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.

e. Consult with the Tennessee Commissioner of Labor or his designated representative with regard to the adequacy of the form and content of such records.

f. Consult with the Tennessee Commissioner of Labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

g. Assist the Tennessee Commissioner of Labor or his designated representative monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

h. Make a report to the Tennessee Commissioner of Labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

i. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health. (Ord. #3482, Nov. 2002)

II. <u>Coverage</u>. The provisions of the occupational safety and health program for the employees of the City of Columbia shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Columbia whether part-time or full-time, seasonal or permanent.

<u>Standard authorized</u>:
The occupational safety and health standards adopted by the City of Columbia are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in

accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3).

Variances from standards authorized:
The Safety Committee may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Application for variances shall be in accordance with Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the Chairman of the Safety Committee shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Chairman of the Safety Committee shall be deemed sufficient notice to employees. (Ord. #3482, Nov. 2002)

III. Definitions. For the purposes of this program, the following definitions apply:

a. "Act" or "TOSHA Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.
b. "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
c. "Chief executive officer" means the chief administrative official, county judge, county chairman, mayor, city manager, general manager, etc., as may be applicable.
d. "Commissioner of Labor" means the chief executive officer of the Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.
e. "Director of occupational safety and health" or "director" means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program for the employees of the City of Columbia.
f. "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

g. "Employer" means the City of Columbia and includes each administrative department, board, commission, division, or other agency of the City of Columbia.

h. "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

i. "Governing body" means the city council or mayor, whichever may be applicable to the local government, government agency, or utility to which this plan applies.

j. "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

k. "Inspector(s)" means the individual(s) appointed or designated by the director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the director of occupational safety and health.

l. "Person" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.

m. "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or

2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

n. "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary

or appropriate to provide safe and healthful conditions and places of employment. (Ord. #3482, Nov. 2002)

IV. <u>Employer's rights and duties</u>. Rights and duties of the employer shall include, but are not limited to, the following provisions:

a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.
e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
f. Employer is entitled to protection of its legally privileged communication.
g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
i. Employer shall notify all employees of their rights and duties under this program. (Ord. #3482, Nov. 2002)

V. <u>Employee's rights and duties</u>. Rights and duties of employees shall include, but are not limited to, the following provisions:

a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHA Act or any standard or regulation promulgated under the Act.

c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.

e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed or corrective action being taken.

f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the safety representative at the time of the physical inspection of the worksite.

g. Any employee may bring to the attention of the safety representative any violation or suspected violations of the standards or any other health or safety hazards.

h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.

j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical

examination may be reasonably required for performance of a specific job.

k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the director within twenty-four (24) hours after the occurrence. (Ord. #3482, Nov. 2002)

VI. <u>Administration</u>. a. The Fire Chief for the City of Columbia is hereby designated as the director of occupational safety and health and is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

1. The department director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
2. The department director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the director.
3. The director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
4. The director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
5. The director or his designee shall prepare the report to the Commissioner of Labor required by subsection (g) of section 1 of this plan.
6. The director or his designee shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
7. The director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
8. The director shall maintain or cause to be maintained records required under section VIII of this plan.
9. The director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.

b. The department director or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
   1. The department director or their designee shall follow the directions of the director on all issues involving occupational safety and health of employees as set forth in this plan.
   2. The department director or their designee shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the director within the abatement period.
   3. The department director or their designee should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
   4. The department director or their designee shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the director along with his findings and/or recommendations in accordance with Appendix V of this plan. (Ord. #3482, Nov. 2002)

VII. <u>Standards authorized</u>. The standards adopted under this program are the applicable standards developed and promulgated under section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. (Ord. #3482, Nov. 2002)

VIII. <u>Variance procedure</u>. The director of safety may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The director of safety should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

a. The application for a variance shall be prepared in writing and shall contain:
   1. A specification of the standard or portion thereof from which the variance is sought.
   2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by

representations by qualified personnel having first-hand knowledge of the facts represented.

3. A statement of the steps the employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.

b. The application for a variance should be sent to the Commissioner of Labor by registered or certified mail.

c. The Commissioner of Labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

1. The employer:

i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

iii. Has an effective program for coming into compliance with the standard as quickly as possible.

2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

e. Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section). (Ord. #3482, Nov. 2002)

IX. Recordkeeping and reporting. a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, Recordkeeping Requirements Under the Occupational Safety and Health Act of 1970, (revised 1978) or as may be prescribed by the Tennessee Department of Labor.

b. The position responsible for recordkeeping is shown on the Safety and Health Organizational Chart, Appendix V to this plan.

c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by Accident Reporting Procedures, Appendix V to this plan. (Ord. #3482, Nov. 2002)

X. Employee complaint procedure. If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the department safety representative and then the department director, and then the city manager.

a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of section 1 of this plan).

b. Upon receipt of the complaint letter, the safety representative will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the safety representative will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

c. The city manager will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10)

working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

d. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the department director explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor. Any complaint filed with the Commissioner of Labor in such cases shall include copies of all related correspondence with the director or the safety representative of the governing body.

f. Copies of all complaint and answers thereto will be filed by the director who shall make them available to the Commissioner of Labor or his designated representative upon request. (Ord. #3482, Nov. 2002)

XI. <u>Education and training</u>. a. Director and/or safety representative:

1. Arrangements will be made for the director and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All employees (including supervisory personnel).

A suitable safety and health training program for employees will be established. This program will, at a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling

procedures, personal protective measures, personal hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in subparts H and M and other applicable subparts of TOSHA Act Standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
   i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
   ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
   iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (Ord. #3482, Nov. 2002)

XII. <u>General inspection procedures</u>. It is the intention of the governing body and the responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made

on a pre-designated basis may not yield the desire results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

a. In order to carry out the purposes of this program, the director or safety representative is authorized:
   1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
   2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the safety representative during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

g. Advance notice of inspections.
   1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
   2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees of their authorized representative(s) will also be given notice of the inspection.

h. The safety representative need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors of other personnel provided:
   1. Inspections conducted by the safety representative are at least as effective as those made by the director.
   2. Records are made of the inspections and of any discrepancies found and are forwarded to the director.

i. The safety committee shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor or his authorized representative. (Ord. #3482, Nov. 2002)

XIII. <u>Imminent danger procedures</u>.

a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
   1. The immediate supervisor shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
   2. If the alleged imminent danger situation is determined to have merit by the director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
   3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director or safety representative shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
   4. The department director or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the director or safety representative and to the mutual satisfaction of all parties involved.
   5. The imminent danger shall be deemed abated if:
      i. The imminence of the danger has been eliminated by removal of employees from the area of danger.

ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the director describing in detail the imminent danger and its abatement. This report will be maintained by the director in accordance with subsection (i) of section XI of this plan.

b. Refusal to abate.

1. Any refusal to abate an imminent danger situation shall be reported to the department director and safety director immediately.
2. The department director and safety director shall take whatever action may be necessary to achieve abatement. (Ord. #3482, Nov. 2002)

XIV. <u>Abatement orders and hearings</u>.

a. Whenever, as a result of an inspection or investigation, the safety representative finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the safety committee shall:

1. Issue an abatement order to the head of the worksite.
2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to be violated.
2. A description of the nature and location of the violation.
3. A description of what is required to abate or correct the violation.
4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the safety committee in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the safety committee shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final. (Ord. #3482, Nov. 2002)

XV. Penalties.

a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action as appropriate by the City of Columbia Progressive Discipline Policy adopted August 6, 1998, located in Section 19 of the Employee Policy Manual. (Ord. #3482, Nov. 2002)

XVI. Confidentiality of privileged information. All information obtained by or reported to the safety committee pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential but shall be subject to the open records law. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (Ord. #3482, Nov. 2002)

XVII. Compliance with other laws not excused.

a. Compliance with any other law, statute, ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (Ord. #3482, Nov. 2002)

XVIII. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this program is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct,

and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (Ord. #3482, Nov. 2002)

ORGANIZATIONAL CHART

APPENDIX I

City Manager	3
City Recorder	9
Engineering	11
Finance	7
Fire	91
Grants & Planning	4
Parks & Recreation	20
Personnel	2
Police	88
Public Works	86
Wastewater	38
City Council	7
Civil Service Board	5
Total No. Employees:	371

(Ord. #3482, Nov. 2002)

ORGANIZATIONAL CHART FOR REPORTING INCIDENTS
CITY OF COLUMBIA
APPENDIX II

1. Immediate supervisor

2. Department director

3. Department director

4. Safety director

5. Personnel director

(Ord. #3482, Nov. 2002)

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX III

NOTICE TO ALL EMPLOYEES OF THE CITY OF COLUMBIA

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as state standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage, of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director then the chief executive officer.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a pre-determination hearing. Employees should refer to the City Policy Guide, Progressive Discipline Policy.

A copy of the Occupational Safety and Health Program for the employees of the City of Columbia is available for inspection by any employee at city hall during regular office hours. (Ord. #3482, Nov. 2002)

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Mayor

OCCUPATIONAL SAFETY AND HEALTH PLAN
PROGRAM BUDGET

APPENDIX IV

1. Safety and health educational materials and support for education and training.
2. Safety devices for personnel safety and health.
3. Equipment modifications.
4. Equipment additions.
5. Protective clothing and equipment (personnel).
6. Safety and health instruments.
7. Funding for projects to correct hazardous conditions.
8. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM FUNDING: $20,000

(Ord. #3482, Nov. 2002)

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
ACCIDENT REPORTING PROCEDURES

APPENDIX V

Refer to the City of Columbia Safety Manual.

Since a Workers Compensation form or appropriate OSHA form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report. (Ord. #3482, Nov. 2002)