

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

STEERING COMMITTEE

*Dwight Jewell, Chair
Jerry Ford, Vice-Chair
Beverly Atwood, Secretary*

*Gary Claridy
Bill Fergusson
T Bubba Gregory
Landon Gulley*

*Richard Harsh
David Nollner
Lonnie Taylor*

AGENDA

TUESDAY, JULY 6, 2021 | 6:00 PM | TC COURTHOUSE

1. Open Meeting
2. Review Minutes from June 1, 2021
3. Mayor Report
4. Items to be sent to Committees
 - A. Review of Title 11 of the Municipal Code (*Law Enforcement Committee*)
 - B. Review of Title 4 Municipal Personnel of the Municipal Code (*Personnel Committee*)
 - C. Review of Titles 12-14 of the Municipal Code (*Codes and Zoning Enforcement Committee*)
 - D. Review of building inspector title and updated to adopted codes.
 - E. Upgrade phone system to Mitel Enterprise plan (*Communications Committee*)
 - F. Referendum to Charter - Adoption of the budget by Resolution.
This request came from the Comptroller's Office. (Budget Committee, Charter Review Commission)
5. Other Discussion
6. Public Comment
7. Adjourn

Steering Committee June 1, 2021

Dwight Jewell called the Steering Committee to order at 1800

Attendance:

The following attended Dwight Jewell, Landon Gulley, Gary Claridy, Richard Harsh, Jerry Ford, David Nollner, Beverly Atwood, Terry Gregory, Bill Fergusson, Lonnie Taylor, and Stephen Chambers.

Minutes from May 4, 2021:

Motion made by Harsh and seconded by Taylor to approve minutes from May 4, 2021. All in favor.

Jewell:

Just finished the Water Board meeting so the mayor will be here momentarily.

Nothing new to go to the committees.

Building Committee will be June 17th at 6:00 pm. Discussing Election Building, sidewalk improvements, updates to courthouse lighting and windows.

Had some negative feedback regarding the pool not opening. Park and Recreation meeting scheduled for June 14th at 6:00 pm.

Has signage been ordered for Front Street? It has and will be placed as soon as it comes in.

Some amendments regarding 2% increase to elected officials' salaries. This will be just adjustments to the budget no sales tax increases. Estimating fund 101 \$14,318 and fund 131 \$1,774. Schools may have some budget amendments as well. This is just requirements of the law per the governor.

Mayor's Report:

A.) Election Commission

Trying to work thru some issues with them moving buildings.

B.) Wage Study

Still working on job descriptions, etc. hoping to have this completed within the next month.

C.) Codes

Looking at making some changes to some of the ordinance codes due to some items being redundant. Also working with Tommy regarding Water Utility Title 18 possibly have it under Rules and Regulations.

D.) Jail

Got one copy of the Jail Needs Assessment with a 30,000 ft view. Just received so it has been reviewed somewhat. Projected 105 beds to be male and female with segregation beds. State is pulling out inmates out of the local county jails. Once we receive the PDF version, I will send this out to the judges, committees and parties involved. Estimated \$243.00 a sq. ft. over a year ago believe it would be over \$20 million due to having to purchase land. Timeline will depend on many variables.

Jewell – Would like to see it be built where we can expand later and make it known to the architect up front. This may require a little more spent up front but will save in the long run. We will have to look at many variables to see where this can be built although there are some possibilities.

Ford – May need to check on wheel tax for cost.

Motion made by Ford and seconded by Taylor to adjourn.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
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

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc. on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1975 Code, § 10-229)

¹Municipal 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.

²Municipal code reference

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

State law reference

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

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1975 Code, § 10-222, modified)

CHAPTER 2**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1975 Code, § 10-234, modified)

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 upon another person. (1975 Code, § 10-201)

Ordinance #59-2010-06
An Ordinance Replacing Hartsville Municipal Code 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. (1975 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 other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital,

dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

(h) 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.
- (m) Fireworks. Limited time period to use fireworks. Fireworks discharge or usage outside of time period specified herein. It is unlawful to discharge or use fireworks except from 10:00 a.m. until 10:30 p.m. daily with the exception of July 4th from 10:00 a.m. until 1:00 a.m. July 5th, and December 31st from 10:00 a.m. until 1:00 a.m. on January 1st.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
- (a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.
- (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
- (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the clerk. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1975 Code § 10-233).

This ordinance replaces Chapter 4, OFFENSES AGAINST THE PEACE AND QUIET in the Hartsville Municipal Code and is effective throughout the entire Metropolitan Hartsville/Trousdale County Government area.

MOTION TO APPROVE: David Nollner SECOND: Richard Johnson

APPROVED:

John Wort
COMMISSION CHAIRMAN

ATTEST:

Rita Crowder
COUNTY CLERK

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.
- 11-504. Resisting or interfering with city personnel.
- 11-505. Coercing people not to work.

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 municipality 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. (1975 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore no person shall deceitfully impersonate or represent that he is any government officer or employee. (1975 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1975 Code, § 10-217)

11-504. Resisting or interfering with city personnel. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1975 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1975 Code, § 10-230)

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

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1975 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to 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. (1975 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1975 Code, § 10-212, modified)

CHAPTER 7

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

11-701. Trespassing.

11-702. Malicious mischief.

11-703. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1975 Code, § 10-226)

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1975 Code, § 10-225)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1975 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

- 11-801. Abandoned refrigerators, etc.
- 11-802. Caves, wells, cisterns, etc.
- 11-803. Posting notices, etc.
- 11-804. Curfew for minors.
- 11-805. Wearing masks.
- 11-806. Halloween curfew.

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. (1975 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. (1975 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1975 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1975 Code, § 10-224)

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 ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the town clerk to wear a traditional holiday costume. (1975 Code, § 10-235)

11-806. Halloween curfew. It shall be unlawful for anyone under the age of 18 to be on or about the public streets from 8:00 P.M. to 5:00 A.M. the night of October 31 or another such date as the board of commissioners deems proper for the observation of the Halloween celebration.

It shall be enforced on those that do not have a lawful reason for being on the street. It will not interfere with going to or from work or out while with a parent or legal guardian.

It shall be unlawful to possess any egg for the purpose other than for food on or about this period of time.

Possession of eggs could result in a fine of \$5.00 per egg plus court cost.

It shall also be unlawful to possess any other item for the purpose to be thrown at person or property on or about this date - hedge - apples, brick, rock, water ballons, etc., not limited to just the above items.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. PERSONNEL SYSTEM.
3. [DELETED.]
4. GROUP INSURANCE PLAN FOR EMPLOYEES.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
6. INFECTIOUS DISEASE CONTROL POLICY.
7. TRAVEL REIMBURSEMENT REGULATIONS.
8. SEXUAL HARASSMENT.
9. NARCOTICS AND INTOXICATING LIQUORS.

CHAPTER 1

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusion of coverage due to another retirement.
- 4-107. Agreements not authorized to be covered by applicable state or federal laws are excluded.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Hartsville to provide for all eligible employees and officials of the Town of Hartsville, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the Town of Hartsville shall take such action as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-701)

4-102. Necessary agreements to be executed.¹ The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1975 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the 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. (1975 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1975 Code, § 1-704)

4-105. Records and reports to be made. The town clerk shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-705)

4-106. Exclusion of coverage due to another retirement. There is excluded from this chapter any authority to make an 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 town. (1975 Code, § 1-706)

4-107. Agreements not authorized to be covered by applicable state or federal laws are excluded. There is excluded from this chapter any authority to make any agreement with respect to any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1975 Code, § 1-707)

¹See Ordinance No. 16-94 (December 1994) of record in the office of the recorder for amendments to the Social Security Agreement by and between the Town of Hartsville, Tennessee, and the State Old Age and Survivors Insurance Agency.

CHAPTER 2

PERSONNEL SYSTEM

SECTION

- 4-201. Purpose.
- 4-202. Coverage.
- 4-203. Administration.
- 4-204. Personnel rules and regulations.
- 4-205. Records.
- 4-206. Right to contract for special services.
- 4-207. Discrimination.
- 4-208. Amendments.

4-201. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Hartsville that is based on merit, efficiency, and fitness. The system shall provide a means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability. (1975 Code, § 1-801, as deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-202. Coverage. All offices and positions of the town government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the town's service, unless specifically placed in the exempt service. All officers and positions of the municipal government placed in the exempt service are as follows:

- (1) all elected officials, and persons appointed to fill vacancies in an elective office;
- (2) members of appointed boards, committees or commissions;
- (3) employees of a utility district under an appointive board or commission;
- (4) consultants, advisers, and legal counsel rendering temporary professional service;
- (5) town attorney;
- (6) independent contractors;
- (7) officers/employees of school system;
- (8) people employed by the municipality for not more than three (3) months during a fiscal year;
- (9) part-time employees paid by the hour of the day, and not considered regular;

(10) volunteer personnel appointed without compensation such as volunteer firemen;

(11) town judge; and

(12) employees hired to meet the immediate requirements of an emergency condition.

All employment positions of the municipal government not expressly exempt from coverage by this section shall be subject to the provisions of the town charter. (Ord. #8-92, Aug. 1992, as deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-203. Administration. The personnel system shall be administered by the board of commissioners, who shall have the following duties and responsibilities:

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

(2) appoint, remove, suspend, and discipline all officers and employees of the town as set forth in this chapter, provisions of the town charter and other state and federal laws.

(3) establish policies and procedures for recruiting, appointing, and disciplining all employees of the municipality subject to those policies as set forth in this chapter, the town charter, and the municipal code;

(4) fix and establish the number of employees in the various town departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the town charter and code, and subject to budget limitations;

(5) foster and develop programs for improving employee effectiveness, including training, safety, and health;

(6) maintain records of all employees, subject to the provisions of this chapter of the town code, which shall include each employee's class, title, pay rates, and other relevant data;

(7) recommend a position classification plan and install and maintain such a plan;

(8) prepare and recommend a pay plan for all municipal government employees;

(9) establish and maintain a roster of all persons in the classified service, setting forth each officers and employee's class title, salary, and changes in class titles, status, and such other data as may be deemed desirable;

(10) hear appeals of any classified employees relative to suspension, demotion, dismissal and other matters in which the employee feels grieved; and

(11) perform such other duties and exercise such other authority in personnel administration as may be prescribed by law. (Ord. #4-78, Oct. 1978, as deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-204. Personnel rules and regulations. The board of commissioners shall establish rules and regulations for the personnel system.¹ The rules shall establish regulations, specific procedures, and policies governing including the following:

- (1) the administration of a position classification plan covering all positions in the classified service, including employment standards and minimum qualifications for each class;
- (2) the administration of a plan of compensation directly correlated with the position classification plan and provides a rate or range of pay for each class;
- (3) the acceptance of applications for employment;
- (4) the preparation, announcement and administration of examinations as deemed necessary;
- (5) the establishment and use of employment lists containing names of persons eligible for appointment; policy and procedures for administering eligible lists including the duration, cancellation, replacement, consolidation of such lists, and the removal or suspension of the names of eligible applicants from the list.
- (6) the certification and appointment of persons from employment list to fill vacancies, and the making of provisional, temporary, casual and emergency appointments;
- (7) the evaluation of the work of employees including those serving a probationary period;
- (8) transfers, promotions and reinstatements of employees;
- (9) disciplinary actions and separations from the town service;
- (10) the standardization of hours of work, attendance, leave regulations, and working conditions;
- (11) the development of employee morale, welfare and training programs;
- (12) procedures for handling all grievances and appeals;
- (13) vacation, holidays, paid and unpaid leave, and other fringe benefits;
- (14) promotional policies and procedures;
- (15) the establishment, maintenance, and use of necessary personnel records and forms; and
- (16) such other matters as may be deemed necessary and proper.

¹These rules and regulations are of record in the office of the recorder.

Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their job than may already be given by the town charter. The town reserves the right to alter or change any or all of these rules without prior notice to employees. (1975 Code, § 1-805, as deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-205. Records. The town clerk shall maintain adequate records of the employment of every employee as specified herein. (1975 Code, § 1-805, as deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-206. Right to contract for special services. The board of commissioners may direct the mayor to contract with any competent agency for performing such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (1975 Code, § 1-806, as amended by Ord. #1-88, Jan. 1988 and deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-207. Discrimination. No person in the classified service or seeking admission thereto shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, creed, national origin, gender, age, religious belief, or disability. (1975 Code, § 1-807, as amended by Ord. #2-92, May 1992, and deleted and replaced by Ord. #7-96, §§ 1 and 2, Nov. 1996)

4-208. Amendments. Amendments or revisions of these rules may be recommended for adoption by ordinance to the board of commissioners. Such amendments or revisions of these rules shall become effective in accordance with established charter provisions. (Ord. #7-96, § 2, Nov. 1996)

Change 2, November 4, 1996

4-7

CHAPTER 3

[DELETED]

This chapter was deleted by Ord. #7-96, § 1, Nov. 1996.

CHAPTER 4

GROUP INSURANCE PLAN FOR EMPLOYEES

SECTION

4-401. Town to participate in the Tennessee Municipal League group insurance plan.

4-402. Responsibility for costs.

4-403. Payroll deductions authorized.

4-401. Town to participate in the Tennessee Municipal League group insurance plan. The board of commissions of the Town of Hartsville hereby elects to participate in the group insurance plan established by the Tennessee Municipal League with the Life and Casualty Insurance Company. The town's participation shall be for the purpose of providing its elective officials, its appointive officers and employees, and the dependents of such personnel who so elect, with death, surgical, hospitalization and other sickness benefits in accordance with the individual policies issued by the Life and Casualty Insurance Company under such group plan. (1975 Code, § 1-1001)

4-402. Responsibility for costs. The town shall pay the premium and such administrative surcharges as are necessary to secure the group insurance coverage described above for its individual officers and employees. The premium for each officer and employee shall be \$2.49 per month. The individual officer and employee shall be responsible for paying an additional premium of \$4.76 per month if he desires to have his dependents covered under the group plan. (1975 Code, § 1-1002)

4-403. Payroll deductions authorized. The town clerk and treasurer is hereby authorized to establish a system of payroll deductions from the salaries of officers and employees who elect to include their dependents in the plan whereby their proportion of the premium payments required by the plan may be paid. (1975 Code, § 1-1003)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Definitions.
- 4-504. Coverage.
- 4-505. Employer's rights and duties.
- 4-506. Employee's rights and duties.
- 4-507. Standards authorized.
- 4-508. Variances from standards authorized.
- 4-509. Abatement.
- 4-510. Inspection.
- 4-511. Administration.
- 4-512. Funding the program.
- 4-513. Confidentiality of trade secrets or privileged information.
- 4-514. Severability.
- 4-515. Amendments, etc.

4-501. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of Hartsville. (1975 Code, § 1-1201)

4-502. Purpose. The Town of Hartsville, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonable necessary to protect employees.

(3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the state commissioner of labor or his designated representative, with regard to the adequacy of the form and content of records.

(5) Consult with the state commissioner of labor or the state commissioner of public health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the town and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program.

(7) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(8) 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. (1975 Code, § 1-1202)

4-503. Definitions. For the purpose of the program pursuant to this chapter.

(1) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designed, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(2) "Commissioner of public health" means the chief executive officer of the Tennessee Department of Health and Environment. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(3) "Employer" means the town, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Director of safety and health" means the chief executive officer designated by the town to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's safety and health program.

(5) "Inspector" means the individual appointed and designated by the director of safety and health to conduct inspections provided for herein. If no such compliance inspector is appointed, the inspections shall be conducted by the director of safety and health.

(6) "Appointing authority" means any town official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the town.

(7) "Employee" means any person performing services for the town and listed on town payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, association, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee state commissioner of labor or the state

commissioner of public health which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures.

(11) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (1975 Code, § 1-1203)

4-504. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the town. (1975 Code, § 1-1204)

4-505. Employer's rights and duties. The rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of public health, upon reasonable notice from the said commissioners, in the performance of their inspection duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from occupational safety and health standard.

(6) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out.

(7) 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, of corrective action being taken by the town. (1975 Code, § 1-1205)

4-506. Employee's rights and duties. Rights and duties of employees shall include, but are not limited to the following provisions:

(1) 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.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(5) 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 the corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) 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 such charges of discrimination are subject to investigation by the commissioner of labor.

(8) Nothing in this chapter or any other provision of this program shall be deemed to authorize or require 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, and except when such medical examination is reasonably required for performance of a specified job. (1975 Code, § 1-1206)

4-507. Standards authorized. The standards adopted by the Town of Hartsville are the State of Tennessee Safety and Health Standards developed under section 6 of the State Occupational Safety and Health Act of 1972. (1975 Code, § 1-1207)

4-508. Variances from standards authorized. The Town of Hartsville may, upon written application to the state commissioner of labor or the state commissioner of public health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees 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 town, shall be deemed sufficient notice to employees. (1975 Code, § 1-1208)

4-509. Abatement. The program will provide for administrative procedures for abating hazards. (1975 Code, § 1-1209)

4-510. Inspection. (1) In order to carry out the purposes of this program resolution, the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the Town of Hartsville and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and 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.

(2) The Town of Hartsville shall establish and maintain a system for collecting, maintaining and reporting safety and health data.

(3) The program shall comply with the record keeping regulations pursuant to the Tennessee occupational and Safety Act of 1972.

(4) After this chapter has been enacted, the Town of Hartsville, shall report within forty-eight (48) hours, either orally or in writing, to the commissioner of labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees. (1975 Code, § 1-1210)

4-511. Administration. For the purposes of this chapter, the mayor has the authority to designate the director of safety and health program to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program. (1975 Code, § 1-1211)

4-512. Funding the program. Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority. (1975 Code, § 1-1212)

4-513. Confidentiality of trade secrets or privileged information.

(1) Compliance with any other law, statute or town ordinance which regulates safety and health in employment and places of employment shall not excuse the town or any town employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of the program pursuant to this resolution or any standard or regulation promulgated pursuant to this program shall not excuse the town or any town employee, or any other person from compliance with any state law or town ordinance regulating and promoting

safety and health unless such law or ordinance is specifically repealed. (1975 Code, § 1-1213)

4-514. Severability. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (1975 Code, § 1-1214)

4-515. Amendments, etc. This chapter shall take effect from and after the date it shall have been passed by the Board of Commissioners of the Town of Hartsville, properly signed, certified, and has met all other legal requirements of the town, and as otherwise provided by law, the general welfare of the town requiring it. (1975 Code, § 1-1215)

CHAPTER 6

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-601. Purpose.
- 4-602. Coverage.
- 4-603. Administration.
- 4-604. Definitions.
- 4-605. Policy statement.
- 4-606. General guidelines.
- 4-607. Hepatitis B vaccinations.
- 4-608. Reporting potential exposure.
- 4-609. Hepatitis B virus post-exposure management.
- 4-610. Human immunodeficiency virus post-exposure management.
- 4-611. Disability benefits.
- 4-612. Training regular employees.
- 4-613. Training high risk employees.
- 4-614. Training new employees.
- 4-615. Records and reports.
- 4-616. Legal rights of victims of communicable diseases.

4-601. Purpose. It is the responsibility of the Town of Hartsville to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Hartsville, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #3-92, May 1992)

4-602. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #3-92, May 1992)

4-603. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of commissioners any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of commissioners. (Ord. #3-92, May 1992)

4-604. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #3-92, May 1992)

4-605. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #3-92, May 1992)

4-606. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand,

removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for at least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous"

dumpster. NOTE: Sharp objects must be placed in an impervious container and then taken to a hospital for disposal.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #3-92, May 1992)

4-607. Hepatitis B vaccinations. The Town of Hartsville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #3-92, May 1992)

4-608. Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #3-92, May 1992)

4-609. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #3-92, May 1992)

4-610. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of

HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #3-92, May 1992)

4-611. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #3-92, May 1992)

4-612. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #3-92, May 1992)

4-613. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #3-92, May 1992)

4-614. Training new employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (Ord. #3-92, May 1992)

4-615. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #3-92, May 1992)

4-616. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the town attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the town attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. #3-92, May 1992)

CHAPTER 7

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-701. Enforcement.
- 4-702. Travel policy.
- 4-703. Travel reimbursement rate schedules.
- 4-704. Administrative procedures.

4-701. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #6-93, Sept. 1993)

4-702. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) directly related to the conduct of the town business for which travel was authorized, and

(b) actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #6-93, Sept. 1993)

4-703. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #6-93, Sept. 1993)

4-704. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town clerk. (Ord. #6-93, Sept. 1993)

CHAPTER 8

SEXUAL HARASSMENT

SECTION

- 4-801. Purpose.
- 4-802. Definitions.
- 4-803. Making sexual harassment complaints.
- 4-804. Reporting and investigating sexual harassment complaints.
- 4-805. Action on complaints of sexual harassment.
- 4-806. Obligation of employees.

4-801. Purpose. The municipality may be held liable for the actions of all employees with regard to sexual harassment and will not tolerate sexual harassment of its employees. The city will take immediate, positive steps to stop such harassment when it occurs. The city is responsible for acts of sexual harassment in the workplace when the city (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The municipality may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees in the workplace, where the municipal government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the Town of Hartsville, including but not limited to full- and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipality. The following rules shall be strictly enforced. (as added by Ord. #7-96, § 3, Nov. 1996)

4-802. Definitions. The following actions constitute an unlawful employment practice and are absolutely prohibited by the municipal government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

- (1) sexual harassment or unwelcome sexual advances;
- (2) requests for sexual favors;
- (3) verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (4) explicit or implied job threats or promises in return for submission to sexual favors;
- (5) inappropriate sex-oriented comments on appearance;
- (6) embarrassing sex-oriented stories;

(7) displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or

(8) sexual assault on the job by supervisors, fellow employees, or, on occasion, nonemployees.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. (as added by Ord. #7-96, § 3, Nov. 1996)

4-803. Making sexual harassment complaints. An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (1) the employee's immediate supervisor,
- (2) the employee's department head,
- (3) the town clerk,
- (4) the mayor; and/or
- (5) the board of commission.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

- (1) his/her name, department, and position title;
- (2) the name of the person or people committing the sexual harassment, including their title(s), if known;
- (3) the specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
- (4) witnesses to the harassment; and
- (5) whether the employee has previously reported the harassment and, if so, when and to whom. (as added by Ord. #7-96, § 3, Nov. 1996)

4-804. Reporting and investigating sexual harassment complaints. The town clerk is the person the municipal government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the town clerk the investigator shall be a municipal employee appointed by the board of commissioners.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall:

- (1) immediately prepare a report of the complaint according to the preceding section and submit it to the appropriate commissioner,
- (2) make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:

- (a) verbal responses made to the investigator by the person complaining of sexual harassment,
 - (b) witnesses interviewed during the investigation,
 - (c) the person against whom the complaint of sexual harassment was made, and
 - (d) any other person contacted by the investigator in connection with the investigation;
- (3) within ten (10) days of receiving the complaint, prepare and present the findings to the appropriate commissioner in a report, which will include:
- (a) the written statement of the person complaining of sexual harassment,
 - (b) the written statements of witnesses,
 - (c) the written statement of the person against whom the complaint of sexual harassment was made, and
 - (d) all the investigator's notes connected to the investigation.
- (as added by Ord. #7-96, § 3, Nov. 1996)

4-805. Action on complaints of sexual harassment. Upon receiving an investigation report of a sexual harassment complaint, the commissioner shall immediately review the report. If the commissioner determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any person who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), the commissioner shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the commissioner shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether sexual harassment took place will be determined on a case-by-case basis.

If the commissioner determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his/her authority under the municipal charter, ordinances, resolutions, or rules governing his/her authority to discipline employees. If the commissioner feels that the harassment warrants disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions, or rules governing employee discipline, he/she shall make that determination known, along with the report of the investigation, to the board of commissioners of the Town of Hartsville. If the governing body determines that the sexual harassment complaint is founded, it may discipline the employee consistent with its authority under the

municipal charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a municipal government employee in the workplace, the mayor shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end. (as added by Ord. #7-96, § 3, Nov. 1996)

4-806. Obligation of employees. Employees are not only encouraged to report instances of sexual harassment, they are **obligated** to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith. (as added by Ord. #7-96, § 3, Nov. 1996)

CHAPTER 9**NARCOTICS AND INTOXICATING LIQUORS¹****SECTION**

- 4-901. Purpose.
- 4-902. Scope.
- 4-903. Consent form.
- 4-904. Compliance with substance abuse policy.
- 4-905. General rules.
- 4-906. Drug testing.
- 4-907. Prohibited drugs.
- 4-908. Collection procedures.
- 4-909. Laboratory standards and procedures.
- 4-910. Reporting and reviewing.
- 4-911. Alcohol testing.
- 4-912. Alcohol testing procedures.
- 4-913. Education and training.
- 4-914. Consequences of a confirmed positive drug and/or alcohol test results and/or verified positive drug and/or alcohol test results.
- 4-915. Voluntary disclosure of drug and/or alcohol use.
- 4-916. Exceptions.
- 4-917. Modification of policy.

4-901. Purpose. The Town of Hartsville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Town of Hartsville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Town of Hartsville are public employees and must foster the public trust by preserving the employee's reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Hartsville has adopted this drug and alcohol testing policy effective upon approval of this chapter. This policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules,

¹This policy shall take effect Jan. 1, 1995.

which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to alcohol testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Hartsville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (1) being on duty or performing work in or on town property while under the influence of drugs and/or alcohol;
- (2) engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on town property;
- (3) refusing or failing a drug and/or alcohol test administered under this policy;
- (4) providing an adulterated, altered, or substituted specimen for testing;
- (5) use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- (6) use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of any legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the town shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the town's policy regarding drugs and/or alcohol; and the availability of counseling. The town clerk has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All Town of Hartsville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice, unless such notice is waived by the appropriate commissioner. (as added by Ord. #7-96, § 5, Nov. 1996)

4-902. Scope. Certain aspects of this policy apply to all full-time, part-time, temporary, and volunteer employees of the Town of Hartsville. The policy also applies to applicants who have been given a conditional offer of employment from the Town of Hartsville. (as added by Ord. #7-96, § 5, Nov. 1996)

4-903. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), town clerk, or his/her designated representative. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the town's drug and alcohol testing policy. The consent form shall set forth the following information:

- (1) the procedure for confirming and verifying an initial positive test result;
- (2) the consequences of a verified positive test result; and
- (3) the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (as added by Ord. #7-96, § 5, Nov. 1996)

4-904. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (as added by Ord. #7-96, § 5, Nov. 1996)

4-905. General rules. These rules apply to all employees of the Town of Hartsville:

- (1) Town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who

are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

(2) Town employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on town property.

(3) All Town of Hartsville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice, unless such notice is waived by the appropriate commissioner.

(4) Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) **within five days** of the conviction occurring. Failure to so inform the city subjects the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (as added by Ord. #7-96, § 5, Nov. 1996)

4-906. Drug testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

(1) Pre-employment - All applicants for employee status who have received a conditional offer of employment with the Town of Hartsville must take a drug test before receiving a final offer of employment.

(2) Transfer - Employees transferring to the fire department, police department, or water/wastewater department, and/or another position within the town that requires a commercial driver's license (CDL) shall undergo drug testing.

(3) Post-Accident/Post-Incident Testing - Following any workplace accident (incident) determined by supervisory personnel of the Town of Hartsville to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the Town of Hartsville reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(a) Post-accident (post-incident) testing for ambulatory employees - Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Hartsville to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Hartsville and shall result in administrative action up to and including termination of employment.

(b) Post-accident (post-incident) testing for injured employees - An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Hartsville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Hartsville or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and

have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

(4) Testing based on reasonable suspicion - A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Hartsville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the town clerk within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

(5) Random testing - Only employees of the Town of Hartsville possessing or wishing to obtain a commercial driver's license (CDL) or who are water and wastewater department employees are subject to random urine drug testing. It is the policy of the Town of Hartsville to annually random test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the Town of Hartsville may omit that employee from that random testing or await the employee's return to work.

(6) Return-to-duty and follow-up - Any employee of the Town of Hartsville who has violated the prohibited drug conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The town will pay for any return-to-duty and/or follow-up tests. (as added by Ord. #7-96, § 5, Nov. 1996)

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing. (as added by Ord. #7-96, § 5, Nov. 1996)

4-907. Prohibited drugs. All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the town clerk. The following is a list of drugs for which tests will be routinely conducted:

- (1) amphetamines,
- (2) marijuana,
- (3) cocaine,
- (4) opiates,
- (5) phencyclidine (PCP),
- (6) alcohol, and
- (7) depressants.

The town may test for any additional substances listed under the Tennessee Drug Control Act of 1989. (as added by Ord. #7-96, § 5, Nov. 1996)

4-908. Collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the Town of Hartsville to a drug test collection facility selected by the Town of Hartsville, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Hartsville to perform the analysis on collected urine samples. (as added by Ord. #7-96, § 5, Nov. 1996)

4-909. Laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the Federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the (testing site) within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee

has 72 hours to request sending the split specimen to another Federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the town clerk.(as added by Ord. #7-96, § 5, Nov. 1996)

4-910. Reporting and reviewing. The Town of Hartsville shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

(1) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Hartsville.

(2) Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(3) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective commissioner, the town clerk, and the employee.

(4) Neither the Town of Hartsville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (as added by Ord. #7-96, § 5, Nov. 1996)

4-911. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

(1) Transfer - Employees transferring to the fire department, police department, and water/wastewater department and/or another position within the town that requires a commercial driver's license (CDL) shall undergo alcohol testing.

(2) Post-accident/post-incident testing - Following any workplace accident (incident) determined by supervisory personnel of the Town of Hartsville to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or

human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

(a) Post-accident (post-incident) testing for ambulatory employees - Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Hartsville to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Hartsville and shall result in administrative action up to and including termination of employment.

(b) Post-accident (post-incident) testing for injured employees - An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Hartsville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Hartsville or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident

(post-incident) testing within two hours must be fully documented by the attending medical personnel.

(3) Testing based on reasonable suspicion - An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Hartsville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the town clerk within eight hours of the decision to test and before the results of the tests are received by the department.

(4) Random testing - Only employees of the Town of Hartsville possessing or wishing to obtain a commercial driver's license (CDL) or who are gas department employees are subject to random alcohol testing. It is the policy of the Town of Hartsville to annually random test for alcohol at least 25 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Town of Hartsville may omit that employee from that random testing or await the employee's return to work.

(5) Return-to-duty and follow-up - Any employee of the Town of Hartsville who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The town will pay for any return-to-duty and follow-up tests.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing. (as added by Ord. #7-96, § 5, Nov. 1996)

4-912. Alcohol testing procedures. All breath alcohol testing conducted for the Town of Hartsville shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). The town's own public safety department cannot do this testing unless the test is required because of a traffic accident (incident).

Alcohol testing is to be performed by a qualified technician as follows:

(1) Step one - An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to step two.

(2) Step two - Fifteen minutes shall be allowed to pass following the completion of step one above. Before the confirmation test or step two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then step one shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in step two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in step one and step two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the Town of Hartsville up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the Town of Hartsville.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town of Hartsville, when possible.

The completed breath alcohol test form shall be submitted to the town clerk. (as added by Ord. #7-96, § 5, Nov. 1996)

4-913. Education and training. The DOT regulations require that supervisory personnel are instructed in determining drug use among employees through the following education and training programs.

(1) Supervisory personnel who will determine reasonable suspicion testing - Training supervisory personnel who will determine whether an employee must be tested based on reasonable cause will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The Town of Hartsville will sponsor a drug-free awareness program for all employees.

(2) Distribution of information - The minimal distribution of information for all employees will include the display and distribution of:

- (a) informational material on the effects of drug and alcohol abuse;
- (b) an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- (c) the Town of Hartsville policy regarding the use of prohibited drugs and/or alcohol; and
- (d) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (as added by Ord. #7-96, § 5, Nov. 1996)

4-914. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the Town of Hartsville if their initial positive test results have been confirmed/verified.

If a current employee's positive test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the town reserves the right to allow employees to participate in an education and/or treatment program approved by the town Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment. No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the town's Employee Assistance Program or other program sanctioned by the city/town, and thereafter refrain from violating the town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of town personnel policy and regulations. (as added by Ord. #7-96, § 5, Nov. 1996)

4-915. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the Town of Hartsville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should discuss his/her problem with the respective department head voluntarily and in private.

Such voluntary desire for help with a substance abuse problem will be honored by the Town of Hartsville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Town of Hartsville are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows:

(1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided paid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Town of Hartsville. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and town clerk of the Town of Hartsville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Hartsville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (as added by Ord. #7-96, § 5, Nov. 1996)

4-916. Exceptions. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's

responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. (as added by Ord. #7-96, § 5, Nov. 1996)

4-917. Modification of policy. This statement of policy may be revised by the Town of Hartsville at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Town of Hartsville.

This employee drug and alcohol testing policy has been approved and adopted by the Town of Hartsville effective Jan. 1, 1995. (as added by Ord. #7-96, § 5, Nov. 1996)

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

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.

CHAPTER 1**BUILDING CODE¹****SECTION**

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code², 1994 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 building code. (1975 Code, § 4-101, modified)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of commissioners of the municipality. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the building code. Section 107 of the building code is hereby deleted. (Ord. #2-90, June 1990)

12-103. Available in clerks's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-103, modified)

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. (1975 Code, § 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town water or sewerage system, the Standard Plumbing Code,² 1994 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 plumbing code. (1975 Code, § 4-201, as amended by Ord. #1-89, April 1989, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the governing body of this municipality.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of commissioners to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1975 Code, § 4-202)

12-203. Available in clerk's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-203, modified)

12-204. 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. (1975 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in clerk's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

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, the National Electrical Code,² 1993 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1975 Code, § 4-301, modified)

12-302. Available in clerk'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 clerks's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. 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. (1975 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

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1975 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of commissioners shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1975 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1975 Code, § 4-306)

CHAPTER 4**GAS CODE¹****SECTION**

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Non-liability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1975 Code, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

¹Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1994 edition which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the town clerk for the use and inspection of the public. (1975 Code, § 4-402, modified)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1975 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town clerk, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

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

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1975 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of commissioners. (1975 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1975 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the town clerk; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

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

or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1975 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1975 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1975 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1975 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1975 Code, § 4-411)

12-412. Non-liability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1975 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

- 12-501. Housing code adopted.
- 12-502. Modifications.
- 12-503. Available in clerk's office.
- 12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1991 edition with 1992/1994 revisions, 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. (1975 Code, § 4-501, modified)

12-502. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of commissioners to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of commissioners. Section 108 of the housing code is deleted.

If the owner of a condemned dwelling fails to comply with an order of the building inspector to remove or demolish a dwelling, the building inspector may cause such dwelling to be removed or demolished as provided by Tennessee Code Annotated, § 13-21-103(5).

The amount of cost of such removal or demolition by the building inspector shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the building inspector, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by the court, and shall be disbursed by such court to the person found to be entitled thereto by final

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

order or decree of such court, as provided by Tennessee Code Annotated, § 13-21-103(6).

The building inspector, acting if possible with the county health officer, shall do all within the power of the town as authorized by its charter, to eliminate junk piles, rubbish piles, see after the removal of junked or abandoned automobiles, refrigerators, appliances, etc., and in general see after the correction of conditions which tend to contribute to blight and deterioration. (1975 Code, § 4-502)

12-503. Available in clerk'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 clerk's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1975 Code, § 4-504)

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

1. MISCELLANEOUS.
2. JUNKYARDS.
3. UNFIT HOUSING.

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

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1975 Code, § 8-101)

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. (1975 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1975 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(11).

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 town clerk or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1975 Code, § 8-108)

13-105. 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. (1975 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1975 Code, § 8-109)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1975 Code, § 8-111)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3**UNFIT HOUSING****SECTION**

- 13-301. Definitions.
- 13-302. Dwellings unfit for habitation.
- 13-303. Procedure for abating unfit dwellings.
- 13-304. Condition rendering dwelling unfit.
- 13-305. Service of complaints or orders.
- 13-306. Enjoining enforcement or order.
- 13-307. Powers of public officer.
- 13-308. Annual expense and costs.
- 13-309. Confers supplementary powers.
- 13-310. Dangerous buildings defined.
- 13-311. Standards for repair, vacation, or demolition.
- 13-312. Dangerous buildings--Nuisances.
- 13-313. Duties of building inspector.
- 13-314. Duties of town commission.
- 13-315. Violations--penalty for disregarding notices or orders.
- 13-316. Duties of the town attorney.
- 13-317. Emergency cases.
- 13-318. Where owner absent from the town.
- 13-319. Administrative liability.
- 13-320. Duties of fire department.
- 13-321. Duties of police department.

13-301. 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) "Municipality" shall mean the Town of Hartsville.
- (2) "Governing body" shall mean the board of commissioners of the Town of Hartsville.
- (3) "Public officer" shall mean the building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 21.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the Town of Hartsville or state relating to health, fire, building regulations, or other activities concerning dwellings in the Town of Hartsville.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

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

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1975 Code, § 8-501)

13-302. Dwellings unfit for habitation. The Hartsville Board of Commissioners hereby finds that there exists in this municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of this municipality, and, therefore, hereby ordains that such dwellings shall be repaired, closed, or demolished in the manner herein provided. (1975 Code, 8-502)

13-303. Procedure for abating unfit dwellings. (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(2) If after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order, (1) if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty percent (50%) of the value of the dwelling), requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or (2) if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty

percent (50%) of the value of the dwelling), requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(3) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(4) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

(5) The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such 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. (1975 Code, § 8-503)

13-304. Conditions rendering dwellings unfit. The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the municipality; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (1975 Code, § 8-504)

13-305. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to 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. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of Trousdale County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1975 Code, § 8-505)

13-306. Enjoining enforcement of order. Any person affected by an order issued by the public officer may file a bill in the chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such 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, such person shall file such bill in the court. Hearings shall be held 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.

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 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 shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1975 Code, § 8-506)

13-307. Powers of the public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1975 Code, § 8-507)

13-308. Annual expense and costs. The board of commissioners shall estimate the appropriation that will be necessary to meet the annual expenses or costs necessary to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in the municipality, for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of this chapter. In addition to making appropriations from its revenues, the town may accept and apply grants or donations to assist it in carrying out the provisions of this chapter. (1975 Code, § 8-508)

13-309. 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 municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1975 Code, § 8-509)

13-310. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings:"

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three (33) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Town of Hartsville.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of movement.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this town.

(10) Those buildings or structures existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of this town.

(11) Wells or other underground structures not adequately covered or maintained. (Ord. #1-86, March 1986)

13-311. Standards for repair, vacation, or demolition. The following standards shall be followed in substance by the building inspector and the town commission in ordering repair, vacation or demolition:

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is 50 per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of §§ 13-310 through 13-321 it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the State of Tennessee it shall be demolished or placed in acceptable condition. (Ord. #1-86, March 1986)

13-312. Dangerous buildings--nuisances. All "dangerous buildings" within the terms of § 13-310 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated, covered, filled, closed or demolished as hereinafter provided. (Ord. #1-86, March 1986)

13-313. Duties of building inspector. The building inspector shall:

(1) Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of § 13-310.

(2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this town as probably existing in violation of the terms of this chapter.

(4) Inspect annually buildings in the entire Town of Hartsville, Tennessee to determine whether they are "dangerous buildings" within the terms of § 13-310 when it is suspected that they may be dangerous as herein defined.

(5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Trousdale of any building found by him to be a "dangerous building" within the standard set fourth in § 13-310, that:

(a) The owner must vacate, or repair, or demolish said building or underground structure in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Trousdale may at his own risk repair, vacate or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(6) Set forth in the notice provided for in subsection (5) hereof, a description of the building, or structure deemed unsafe, a statement of the particular which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.

(7) Report to the town commission any non-compliance with the "notice" provided for in subsection (5) and (6) hereof.

(8) Appear at all hearings conducted by the town commission, and testify as to the condition of the "dangerous building."

(9) Place a notice on all "dangerous buildings" reading as follows:

"This building or structure has been found to be a dangerous building or structure by the building inspector. This notice is to remain on this building or structure until it is repaired, vacated, covered, filled, closed or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building or structure, and all other persons having an interest in said building or structure as shown by the land records of the Register of Deeds of the County of Trousdale. It is unlawful to remove this notice until such notice is complied with." (Ord. #1-86, March 1986)

13-314. Duties of town commission. The town commission shall:

(1) Upon receipt of a report of the building inspector as provided for in § 13-313(7) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Trousdale to appear before them on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, covered, filled, closed or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in § 13-313(6).

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said buildings shown by the land records of the Register of Deeds of the County of Trousdale shall offer relative to the "dangerous building."

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of § 13-310.

(4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Trousdale to repair, vacate, cover, fill, close or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing a "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Trousdale may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the town as provided in subsection (5) thereof.

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof, within 10 days, the town commission shall cause such building or structure to be repaired, vacated, closed, filled, covered or demolished as the fact may warrant, under the standards hereinbefore provided for in § 13-311, and shall with the assistance of the town attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building or structure stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the town commission shall notify the town

attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the town attorney the names of all persons not complying with the order provided for in §13-314(4). (Ord. #1-86, March 1986)

13-315. Violations--penalty for disregarding notices or orders.

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, cover, fill, close or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars (\$50.00) for each offense and a further sum of fifty dollars (\$50.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building or structure in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars (\$50.00) for each and every day such failures to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in § 13-313(9) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50.00) for each offense. (Ord. #1-86, March 1986)

13-316. Duties of the town attorney. The town attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notice provided for herein in § 13-313(5) and (6) and the order provided for in § 13-314(4).

(2) Appear at all hearings before the town commission in repairing or causing to be vacated covered, filled, closed or demolished "dangerous buildings."

(3) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (Ord. #1-86, March 1986)

13-317. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, covered, filled, closed or demolished, the building inspector shall report such facts to the commission and the town commission shall cause the immediate repair, vacation, coverage, filling, closure or demolition of such "dangerous building." The costs of such emergency repair, vacation, coverage, filling, closure or demolition of such "dangerous building" shall be collected in the same manner as provided in § 13-314(5) hereof. (Ord. #1-86, March 1986)

13-318. Where owner absent from the town. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the town all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Trousdale to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate notice. (Ord. #1-86, March 1986)

13-319. Administrative liability. No officer, agent, or employee of the Town of Hartsville, Tennessee shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the Town of Hartsville, Tennessee, as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the town attorney until the final determination of the proceedings therein. (Ord. #1-86, March 1986)

13-320. Duties of fire department. The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the fire department. (Ord. #1-86, March 1986)

13-321. Duties of police department. All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within 24 hours of the discovery of such buildings by any employee of the police department. (Ord. #1-86, March 1986)

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #187-2020-02

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT, CONTROL, AND REGULATION OF ADDRESS NUMBERING DISPLAY WITHIN HARTSVILLE/TROUSDALE COUNTY

WHEREAS, The Hartsville/Trousdale County Codes and Zoning Enforcement Committee has met and considered regulating the display of postal address numbers within the jurisdiction of Hartsville/Trousdale County; and

WHEREAS, this Committee has recommended the adoption of an ordinance to provide for the establishment, control and regulation of postal address display within Hartsville/Trousdale County, to provide for penalties for violation of the Ordinance and to repeal any Metropolitan ordinance or parts of Metropolitan ordinances in direct conflict herewith.; and

WHEREAS, The Hartsville/ Trousdale County Commission has determined that the health, safety and welfare of the residents of Trousdale County would be better served by the establishment of a uniform county-wide house number display system. Such system will enable police agencies, ambulance services, fire services, public utilities, postal service, county officials, and other necessary services to more rapidly identify and locate properties within Trousdale County; and

WHEREAS, The Hartsville/Trousdale County Commission and County Attorney have reviewed the attached policy and recommend the adoption of the policy attached herewith.

NOW THEREFORE, BE IT ORDAINED by the Hartsville/Trousdale County Commission that existing Title 13 of the Hartsville Municipal Code be amended by the addition of the attached policy as a new Chapter 4 herewith entitled "Display of Postal Address."

AND BE IT FURTHER ORDAINED by the Hartsville/Trousdale County Commission that this Ordinance shall take effect 180 days following publication, as required by law, on September 1, 2020.

Sponsored by Commissioner Ken Buckmaster

Recommended by Codes and Zoning Enforcement Committee January 2, 2020

Recommended by Emergency Communications District Board January 14, 2020

Recommended by Emergency Services Committee January 14, 2020

	1M <u>Gary Walsh</u>	Roll Call Vote	
First Reading:	<u>January 27, 2020</u>	2m <u>Amber Russell</u>	YES <u>14</u> NO <u>6</u> ABS <u>0</u>
			PASSED

	1M <u>Amber Russell</u>	Roll Call Vote	
Second Reading:	<u>February 24, 2020</u>	2m <u>Gary Walsh</u>	YES <u>15</u> NO <u>5</u> ABS <u>0</u>
			PASSED

APPROVED AND ENACTED ON FEBRUARY 24, 2020

Approved:


Dwight Jewell, Commission Chairman

Attest:


Rita Crowder, County Clerk

TITLE 13

CHAPTER 4

DISPLAY OF POSTAL ADDRESS

SECTION

- 13-401. Definitions
- 13-402. Regulation
- 13-403. Violation
- 13-404. Saving Clause
- 13-405. Penalties
- 13-406. Jurisdiction

13-401- Definitions

- A. The term "premises" shall mean any location improved with structure identified by building codes as capable of being usually occupied by persons, whether occupied or unoccupied, owned by any person, firm or corporation, public or private.
- B. The term "address number" shall mean the official number assigned that premises by duly authorized and appointed person(s) and recognized by the Trousdale County 911 governing board.
- C. The term "street or road" name shall refer to any official name as recognized by governmental agencies, whether public or private.

13-402. Regulation

- A. No street or road name, public or private shall be modified or added without the approval of the Trousdale County 911 governing board with affirmation of the Hartsville/Trousdale County Commission and when applicable, adoption by the Trousdale County Road Commission.
- B. Every premises shall display the distinctive address number assigned to that premises by duly authorized and appointed person(s) and recognized by the Trousdale County 911 governing board. The individual digits shall be no less than four (4) inches in height (three (3) inches if of a reflective material) in block style letters and shall be in a contrasting color to the background. The house number shall be displayed, at a minimum, in one of the following fashions:
 - 1) If the number is displayed on a mailbox, the mailbox must be located at the entrance to the property adjacent to the street or road on which the property fronts. The number shall be placed in such a position as to be plainly visible to all persons coming to the premises from either direction at a height that assures that the number will not be obscured.
 - 2) If a mailbox is not located at the property entrance the address number shall be displayed on a pole, post or similar device and must be located at the entrance to the property adjacent to the street or road on which the property

fronts. The number shall be placed in such a position as to be plainly visible to all persons coming to the premises from either direction at a height that assures that the number will not be obscured.

- 3) If two (2) or more houses share a driveway, right of way, easement etc. each house number shall be displayed on a sign at the driveway, right of way, easement etc. adjacent to the street or road on which the property fronts. Such sign shall be attached to a pole, post or similar device at a height that assures that the number will not be obscured as well as each house shall have the number displayed on the house, the number shall be placed upon the front of the house in such a position as to be plainly visible and reasonable to discern for all persons.

13-403. Violation

Failure to display or maintain such display of an address number within (180) days after the adoption of this Ordinance, or in the case of new construction, prior to the issuance of a Certificate of Occupancy, shall be considered a violation of this Ordinance and shall be subject to penalties hereinafter provided.

13-404. Saving Clause

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinances shall remain in full force and effect.

13-405. Penalties

Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a civil offense subject to a fine or fee of not more than fifty dollars (\$50), as determined by the Court of General Sessions or in the case of new construction such fee shall be at the discretion of the building and zoning inspector, as directed by the Hartsville/Trousdale County Commission.

Each and every day during which such violation continues shall be considered as a separate and distinct violation hereof and may be charged as such. The above specified penalties may be imposed for each such violation.

13-406. Jurisdiction

This Address Display Policy shall be applicable to the jurisdiction of Hartsville/Trousdale County.

TITLE 14**ZONING AND LAND USE CONTROL¹****CHAPTER****1. ZONING ORDINANCE.****CHAPTER 1****ZONING ORDINANCE****SECTION**

14-101. Land use to be governed by zoning ordinance.

14-101. Land use to be governed by zoning ordinance. Land use within the Town of Hartsville shall be governed by Ordinance Number 19, titled "Zoning Ordinance, Hartsville, Tennessee," and any amendments thereto.²

¹Pursuant to Tennessee Code Annotated, §§ 13-3-101 through 13-3-203, the Town Commission requested by resolution adopted July 8, 1974 that the State Planning Commission create the Hartsville - Trousdale County Regional Planning Commission. The State Planning Commission in accordance with the said resolution created and established the Hartsville - Trousdale County Regional Planning Commission on September 4, 1974. The July 8, 1974 solution is of record in the office of the Town Clerk for Hartsville.

²Ordinance No. 19, and any amendments thereto, are published as separate documents and are of record in the office of the town clerk.