

Sec. 4-6. Air pollution control board; bureau of air pollution control; persons required to comply with chapter.

(a) *Air pollution control board.*

1. There is hereby created the Chattanooga-Hamilton County Air Pollution Control board, hereinafter referred to as "the board," to be composed of ten (10) members, three (3) of whom are to be appointed by the County Judge and confirmed by the County Council; three (3) of whom are to be appointed by the Mayor of the City of Chattanooga, and confirmed by the City Commission; three (3) of whom are to be appointed jointly by the county Judge and the Mayor and confirmed by both the County Council and the City Commission. The terms of members shall be four (4) years. Whenever a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. If a member of the board unjustifiably fails to attend three (3) consecutive regular meetings during any twelve month period, the chairman of the board shall notify in writing the mayor and city board of commissioners if appointed by the mayor, or county executive and county board of commissioners if appointed by the county executive, or both if appointed jointly. The mayor or county executive or both shall immediately request the resignation of such board member and a new board member shall be appointed promptly to fill the vacancy.

The administrator of the Chattanooga-Hamilton County Health Department or his designated representative shall be an ex-officio voting member, provided, however, that if the director of the Chattanooga-Hamilton County Health Department or his designated representative shall be an ex-officio voting member, provided however, that if the director of the Chattanooga-Hamilton County Health Department desires to designate a representative such designation shall be made on an annual basis and in writing prior to June 30th of each year and such designated representative shall serve as the ex-officio member in the place of the director of the Chattanooga-Hamilton County Health Department during the year for which he has been designated by the director of the Chattanooga-Hamilton County Health Department. Provided further, that should the designated

representative resign or otherwise terminate his employment with the Chattanooga-Hamilton County Health Department such shall terminate his appointment to, and service upon, the board.

2. The members of the board shall have the following qualifications: They shall be residents of the county. Industry may have no more than three (3) members active or retired, of whom no more than one (1) shall be from any major two-digit grouping as defined by the Standard Industrial Classification Manual of the United States Department of Commerce. The Chairman of the board shall have the right to vote on all matters. Members shall be selected for merit without regards to political affiliation; the Mayor and Judge in their appointments shall select persons for their ability and all appointments shall be of such nature as to aid the work of the board, to inspire the highest degree of confidence and cooperation in furthering the policy of this chapter.
3. The board shall select annually a Chairman, Vice-Chairman and Secretary from among its members as officers; each officer shall have the right to vote on all matters, and shall hold office until the expiration of the term for which elected and thereafter until his successor has been elected. The board shall hold at least four (4) regular meetings each year and such additional meetings as the chairman deems desirable, at a place within this County and time to be set by the Chairman. Special meetings shall be called by the Chairman upon written request of any four (4) members. Six (6) members shall constitute a quorum.
4. All members of the board shall serve without compensation but shall receive their actual expenses incurred in attending meetings of the board and the performance of any duties as members or by direction of the board.
5. The board may employ and discharge such employees and consultants as may be necessary for the administration of this regulation with the approval of the Mayor, County Judge and Chairman of the board or with the approval of any two of said officials. Subject to any applicable restrictions contained in law, all departments and

agencies of the County shall, upon request, assist the board in the performance of its duties, with or without charge. The board may compensate such other agencies for services.

(b) *Bureau of air pollution control.* There is hereby created a Bureau of Air Pollution Control, hereinafter referred to as "the Bureau," which shall be headed by a director appointed by the board, subject to the approval of the Mayor, County Judge and Chairman of the board or with the approval of any two of said officials. The Bureau shall administer this regulation under the overall supervision of the board, and shall provide, by rules consistent with law, for the performance by the officers and employees of any act or duty necessary or incidental to the administration of this regulation.

(c) *Persons required to comply with this chapter.* Persons responsible for compliance with this regulation and who are liable for violation of this regulation shall include, but not necessarily be limited to, all persons owning, occupying, operating, in charge of or in control of any premises, equipment, installations or operations from which or as a result of which any violation of this regulation shall occur whether such persons be proprietor, owner, lessee, tenant, manager, operator or in charge of such premises, equipment, installations or operations, and further any of the foregoing who having a reasonable opportunity to do so should fail to take all reasonable and necessary steps to terminate or abate any condition or operation which causes or from which arises a violation of this regulation shall be deemed to be in violation of this regulation. Any one or more of the foregoing persons shall be held individually and jointly responsible for compliance herewith and shall be jointly and severally liable for violation hereof.

(Code 1968, Sec. 4-4; Ord. No. 6021, Sec. 2 (A), (B), 3-4-69; Ord. No. 6091, Sec. 1, 9-30-69; ; Ord. No. 6221, Sec. 3 through 7, 9-29-70; Ord. No. 6502, Sec. 3, 10-3-72; Ord. No. 6838 Sec. 3, 4, 1-14-75; Ord No. 7098 Sec. 3, 10-5-76; Ord; No. 7963, Sec. 1, 3-23-82)

Cross-reference-Administration generally, Ch. 2.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

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