THE LAKESITE MUNICIPAL CODE

Published in 2019 by Order of the Board of Commissioners
City of Lakesite, Tennessee

municode
POWERED BY CIVICPLUS

info@municode.com | 800.262.2633 | www.municode.com
P.O. Box 2235 Tallahassee, FL 32316

CITY OFFICIALS

David Howell

Mayor

Bobby Bishop

Vice Mayor

Michelle Wilson

Valerie Boddy

Wayne Behlau

Commissioners

Kirsten Ert Acuff

City Manager

Sam D. Elliott

City Attorney

Jodi P. LaCroix, CMC

City Clerk/City Recorder

Find Us Online:

Website: www.lakesitetn.gov

Facebook: Lakesite, TN - City Government

PREFACE

This Code constitutes a republication of the general and permanent ordinances of the City of Lakesite, Tennessee.

Source materials used in the preparation of the Code were the 1994 Code, as supplemented through 2018, and ordinances subsequently adopted by the Board of Commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance included herein.

The various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included.

Chapter and Section Numbering System

The Code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 5, chapter 2, section 1, is designated as section 5-201.

Page Numbering System

The page numbering system used in this Code is a prefix system. Numbers to the left of the colon correspond to the number of the Code title, and letters are abbreviations indicating other portions of the volume (Charter, appendix, etc.). The number to the right of the colon represents the number of the page in that portion. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE TITLE 1	1:1
CODE APPENDIX A	A:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	i:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within

the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Tassy Spinks, Supplement Department President, and Jodi Hunt, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Jodi LaCroix for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Lakesite, Tennessee. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Lakesite, Tennessee.

© Copyrighted material.
Municipal Code Corporation and the City of Lakesite, Tennessee. 2018.

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of Lakesite as follows:" (6-20-214)
3. Ordinance procedure:
   (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

(c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)

4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

ORDINANCE NO. 268

AN ORDINANCE ADOPTING AND ENACTING A REPUBLICATION OF THE ORDINANCES OF THE CITY OF LAKESITE, TENNESSEE.

WHEREAS some of the ordinances of the City of Lakesite are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Commissioners of the City of Lakesite, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be recodified and revised and the same are embodied in a code of ordinances known as the "Lakesite Code of Ordinances, " now, therefore:

BE IT ORDAINED BY THE CITY OF LAKESITE, AS FOLLOWS.[1]

Section 1. Ordinances recodified. The ordinances of the City of Lakesite, of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely 'titles" I to 20, both inclusive, are ordained and adopted as the "Lakesite Code of Ordinances," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming,

[1]Charter reference(s)— Tennessee Code Annotated § 6-20-214.

establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.[2]

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if å section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

[21] For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, §40-24-101 et seq.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the city requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st Reading: April 16, 2019

Passed and 2nd Reading: May 21, 2019

Approved as to Form:

_____
/s/Sam Elliott
City Attorney

_____
/s/ David Howell
Mayor

_____
/s/ Jodi P. LaCroix, CMC
City Recorder

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/Omitted
Supp. No. 1		
264	1-15-2019	Included
265	1-15-2019	Included
266	3-19-2019	Included
267	3-19-2019	Included
269	6-18-2019	Omitted
270	6-18-2019	Omitted
271	6-18-2019	Included
272	6-18-2019	Included
Supp. No. 2		
273	10-15-2020	Omitted
274	5-19-2020	Included
277	9-15-2020	Included
278	9-15-2020	Included
Supp. No. 3		
279	11-17-2020	Included
Supp. No. 4		
280	5-18-2021	Omitted
281	6-15-2021	Omitted
282	8-17-2021	Omitted
283	8-17-2021	Omitted
284	9-28-2021	Omitted
285	11-16-2021	Included
Supp. No. 5		
286	2- 1-2022	Omitted
287	2-15-2022	Included
288	6-21-2022	Omitted
289	6-21-2022	Omitted

Supp. No. 6		
290	8-16-2022	Omitted
291	8-16-2022	Omitted
292	8-16-2022	Included
293	8-16-2022	Included
294	2-21-2023	Included
295	6-20-2023	Omitted
296	6-20-2023	Omitted
297	7-18-2023	Omitted
298	9-19-2023	Included
299	7-18-2023	Included
300	9-19-2023	Included
301	8-15-2023	Included
302	9-19-2023	Included
303	9-19-2023	Included
304	9-19-2023	Included

CODE OF ORDINANCES

CITY MANAGER-COMMISSION CHARTER[1]

CHAPTER 18. CITY MANAGER-COMMISSION CHARTER—ADOPTION OR SURRENDER

6-18-101. Definitions—Chapters 18—22.

(a) (1) "City," in chapters 18—22 of this title, refers to any city that may adopt these chapters, and "county" refers to the county in which any such city is located; and

(2) "This charter" refers to chapters 18—22 of this title.

(b) Whenever the "county election commission" is referred to in chapters 18—22 of this title, it means the county election commission of the county in which the territory proposed to be incorporated or the municipality is situated. If the territory proposed to be incorporated or the municipality includes parts of two (2) or more counties, it means the county election commission in each of such counties and they shall act jointly in performing the functions required of county election commissions in chapters 18—22 of this title.

[Acts 1921, ch. 173, art. 22, § 1; Shan. Supp., § 1997a244; Code 1932, § 3642; Acts 1977, ch. 300, § 1; T.C.A. (orig. ed.), § 6-1801.]

6-18-102. Construction of chapters 18—22.

In the construction of any portion of chapters 18—22 of this title whose meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to effect the substantial objects of these chapters.

[Acts 1921, ch. 173, art. 22, § 2; Shan. Supp., § 1997a245; Code 1932, § 3643; T.C.A. (orig. ed.), § 6-1802.]

6-18-103. Right to adopt city manager form—Incorporation within specified distances from existing cities.

(a) (1) The residents of any incorporated municipality or of any territory that it is desired to incorporate shall have the right to adopt chapters 18—22 of this title in the manner provided in this charter; and thereupon such city or territory shall be and become incorporated and be governed as set forth in this charter. No unincorporated territory shall be incorporated under chapters 18—22 of this title unless such territory contains not less than one thousand five hundred (1,500) persons, who shall be actual residents of the territory, and shall also contain real estate included in the territory worth not less than five thousand dollars ($5,000).

[1] This compilation includes chapters 18—29 of Title 6, Tennessee Code Annotated, which contain the basic organizational provisions for this form of government, as amended. IMPORTANT NOTE: There are many other general laws affecting municipalities organized under this charter which have been omitted from this compilation because they apply to all municipalities. These are found in various parts of the Tennessee Code Annotated. This compilation has been amended to reflect legislation passed in the 2016 session of the Tennessee General Assembly.

(2) No unincorporated territory shall be allowed to hold a referendum on the question of whether or not to incorporate under this charter until a plan of services is documented, setting forth the identification and projected timing of municipal services proposed to be provided and the revenue from purely local sources to be payable annually. The plan of services shall be attached to the petition to incorporate when such petition is filed with the county election commission. The plan of services shall include, but not be limited to, police protection, fire protection, water service, sanitary sewage system, solid waste disposal, road and street construction and repair, recreational facilities, a proposed five-year operational budget, including projected revenues and expenditures, and the revenue from purely local sources to be payable annually. Municipalities that are first incorporated on or after July 1, 1993, and that produce no local own-source revenues in any fiscal year, shall not receive any state-shared revenues during the next fiscal year.

(3) Prior to filing the petition with the county election commission, a public hearing on the referendum on the question of whether or not to incorporate under this charter and plan of services shall be conducted. The public hearing shall be advertised in a newspaper of general circulation for two (2) consecutive weeks.

(b) No unincorporated territory shall be incorporated within three (3) miles of an existing municipality or within five (5) miles of an existing municipality of one hundred thousand (100,000) or more in population, according to the latest census certified by the department of economic and community development. "Existing municipality" and "existing municipality of one hundred thousand (100,000) or more in population" do not include any county with a metropolitan form of government with a population of one hundred thousand (100,000) or more, according to the 1990 federal census or any subsequent federal census certified by the department of economic and community development.

(c) Notwithstanding subsection (a) or (b) to the contrary, a territory may be incorporated if the following conditions are fulfilled:

(1) The territory contains two hundred twenty-five (225) residents or more;

(2) The territory is composed of property that is one thousand six hundred feet (1,600') or more above sea level on the western border of the territory and contiguous with a county boundary on the eastern border of the territory;

(3) The territory is located within an area that is bordered on the west, north and east by the Tennessee River and on the south by the border between Tennessee and another state; and

(4) The territory is located within a metropolitan statistical area.

(d) Notwithstanding subsections (a)—(c) to the contrary, a territory may be incorporated that meets the following conditions:

(1) The territory contains three hundred (300) residents or more;

(2) The territory's western boundary is contiguous with the western boundary of the county in which it is located;

(3) The territory is located within an area that is bordered on the north by the Loosahatchie River and on the south by the Wolf River;

(4) The territory's eastern boundary is approximately parallel with the western boundary, but in no place is more than eight (8) miles from the western boundary; and

(5) The territory is located within a metropolitan statistical area.

(e) Notwithstanding the requirements of § 6-18-104, or any other provision of law to the contrary, the petition for incorporation of the territory described in subsection (d) may consist of a letter from a resident of the

territory desiring to incorporate to the county election commission requesting that the question of incorporating the territory be placed on the ballot. The letter shall describe the exact boundaries of the proposed municipality, indicate the name of the proposed municipality, and indicate under which charter the territory desires to incorporate. The letter shall be treated as a petition meeting all the requirements of law.

(f) (1) Notwithstanding any provision of law to the contrary, whenever the governing body of any existing city affected by this section, by a resolution adopted by a majority vote of its governing body, indicates that it has no interest in annexing the property to be incorporated, and when a certified copy of such resolution and a petition requesting that an incorporation election be held are filed with the county election commission, then the proceedings shall continue as provided in this chapter as though the proposed new incorporation was not within the specified distance of such existing city as provided in this section.

(2) Subdivision (f)(1) shall only apply in counties having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), according to the 1990 federal census or any subsequent federal census; provided, that in any adjoining county an existing municipality that is within the specified distance may also use the procedure authorized by subdivision (f)(1).

[Acts 1921, ch. 173, art. 1, § 1; Shan. Supp., § 1997a120; Code 1932, § 3517; Acts 1955, ch. 7, § 1; Acts 1957, ch. 347, § 1; Acts 1971, ch. 260, § 2; Acts 1974, ch. 776, § 2; T.C.A. (orig. ed.), § 6-1803; Acts 1991, ch. 154, § 3; Acts 1993, ch. 320, §§ 5, 6; Acts 1995, ch. 13, § 6; Acts 1996, ch. 666, §§ 2, 5; Acts 1996, ch. 708, § 2, 3.]

6-18-104. Election to adopt city manager form.

(a) An election for the purpose of determining whether or not chapters 18—22 of this title shall become effective for any city shall be included on the ballot at the next election, as defined in § 2-1-104, by the county election commission upon the petition in writing of thirty-three and one-third percent (33⅓%) of the registered voters of the city or territory, which petition shall state therein in a sufficient manner the boundaries of the proposed municipal corporation, which may be done by a general reference to the boundaries then existing if there is one. Petitioners shall attach a list of the names of all persons who at the time of making the list would be qualified voters in the proposed territory. The county election commission shall, in addition to all other notices required by law, publish one (1) notice of the election in a newspaper of general circulation within the territory of the city or of the proposed city and post the notice in at least ten (10) places in the territory.

(b) At any time not less than thirty (30) days prior to the election provided for in this section, the request or petition may be withdrawn or may be amended to call for a smaller territory for the proposed municipal corporation so long as all of the proposed smaller territory is contained within the boundaries of the territory described in the first petition or request. The withdrawal or amendment shall be valid if filed with the county election commission in writing and executed by twenty percent (20%) of the number of the registered voters voting at the last election within the boundaries of the territory described in the original request or petition, and if signed by not less than fifty-one percent (51%) of those who signed the original request or petition. In the event such an amended request or petition is filed, all provisions relating to time periods in § 6-18-103 shall be controlled by the date of the filing of the original petition, notwithstanding the filing of the amended request or petition, and the county election commission shall publish the notice of election as provided for in this section. A petition for request to withdraw, when filed with and validated by the county election commission, shall render the original request or petition null and void.

(c) Following the defeat of an incorporation in an election held pursuant to this section, no new request for petition for an election may be filed until after the expiration of four (4) years. If the territory included in the boundaries of the newly proposed municipal corporation includes less than fifty percent (50%) of the territory subject to incorporation in such previous election, and if the territory subject to incorporation in

such election comprises less than fifty percent (50%) of the territory included in the boundaries of the newly proposed municipal corporation, the four-year waiting period shall not be required.

(d) (1) If a proposal to incorporate a territory is defeated in an election held pursuant to this section by a number of negative votes comprising more than sixty percent (60%) of the persons voting, no further incorporation election shall be held for a period of four (4) years from the previous election unless the conditions established in subsection (c) are met.

(2) If a proposal to incorporate a territory is defeated in an election held pursuant to this section by a number of negative votes comprising less than sixty percent (60%) of the persons voting, no further incorporation election shall be held for a period of two (2) years from the previous election unless the conditions established in subsection (c) are met.

[Acts 1921, ch. 173, art. 1, § 3; Shan. Supp., § 1997a122; Code 1932, § 3519; modified; Acts 1972, ch. 740, § 4(26); T.C.A. (orig. ed.), § 6-1804; Acts 1980, ch. 778, § 1; Acts 1983, ch. 33, §§ 3, 4; Acts 1989, ch. 175, § 1; Acts 1997, ch. 98, § 5.]

6-18-105. Registration of voters—Qualifications to vote—Certification of result.

(a) The county election commission shall use such methods authorized by title 2 as it judges necessary to facilitate registration before the election.

(b) All registered voters of the city or of the territory of the proposed city are eligible to vote in the election.

(c) The county election commission shall determine and declare the results of the election and shall certify the results within forty-eight (48) hours after it completes its duties under § 2-8-105(3). It shall publish the certificate in a newspaper of general circulation in the city or territory and, if the city is already incorporated, shall file the certificate with the city council or other legislative body of the city at its first meeting after the certification. The certificate shall be entered at large on the minutes of the body with which it is filed.

[Acts 1921, ch. 173, art. 1, § 4; Shan. Supp., § 1997a123; Code 1932, § 3520; modified; Acts 1972, ch. 740, § 4(27); T.C.A. (orig. ed.), § 6-1805.]

6-18-106. Effect of favorable vote.

(a) If it is found, as provided in § 6-18-105, that the majority of the votes cast are in favor of the adoption of chapters 18—22 of this title, it shall be deemed to have been adopted.

(b) Except for the provisions of chapters 18—22 of this title that are adopted by reference in other municipal charters, chapters 18—22 of this title apply only to those cities that have adopted chapters 18—22 of this title by referendum as authorized by law.

[Acts 1921, ch. 173, art. 1, § 5; Shan. Supp., § 1997a124; Code 1932, § 3521; T.C.A. (orig. ed.), § 6-1806; Acts 1983, ch. 33, § 5; Acts 1995, ch. 13, § 7.]

6-18-107. Succession to old corporation.

(a) Chapters 18—22 of this title shall take effect in any city immediately after the election and organization of the first board of commissioners provided for in this charter, and thereupon any then existing charter of such city shall immediately become abrogated and null. The right, title and ownership of all property of the city and all of its uncollected taxes, dues, claims, judgments, and choses in action, and all of its rights of every kind whatsoever, shall immediately become vested in the corporation so chartered under chapters 18—22 of this title. The new corporation shall answer and be liable for all debts, contracts, and obligations of the corporation that it succeeds in the same manner and proportion and to the same extent as the former

corporation was liable under existing laws. All ordinances, laws, resolutions, and bylaws duly enacted and in force under the preexisting charter and not inconsistent with chapters 18—22 of this title shall remain in full force until repealed, modified, or amended as provided in this charter.

(b) The zoning ordinance duly enacted and in force in any county shall apply to any unincorporated territory in the county incorporated under chapters 18—22 of this title until such incorporated city shall duly enact zoning ordinances, or for a period of six (6) months from the date the first board of commissioners shall take their respective offices, whichever occurs first.

[Acts 1921, ch. 173, art. 1, § 2; Shan. Supp., § 1997a121; Code 1932, § 3518; Acts 1973, ch. 14, § 1; T.C.A. (orig. ed.), § 6-1807.]

6-18-108. Surrender of charter.

(a) After the adoption of this charter and the election of the commissioners, a majority of whom are elected for a four-year period as provided in subsection (b), no election for the surrender of this charter shall be called or held for a period of four (4) years from the date the first board of commissioners shall take their respective offices.

(b) After the expiration of the four-year period, and upon the filing of a petition in the same manner as provided for the adoption of chapters 18—22 of this title containing the signatures of the same number of registered voters and praying for a surrender of such charter, an election shall be held to determine whether or not the same shall be surrendered; provided, that in case of a failure to surrender such charter, the election shall not be held more frequently than at two-year intervals thereafter. For a four-year period after the first board of commissioners shall take office, the cost of calling and holding such an election shall be borne by those petitioning therefor if such election does not result in a surrender of this form of charter. Should such election, however, result in a surrender, the cost of such election shall be borne by the city and following the expiration of such four-year period the cost of such election shall be borne by the city.

[Acts 1951, ch. 92, § 1; 1972, ch. 740, § 4(28); T.C.A. (orig. ed.), § 6-1808.]

6-18-109. Conduct of surrender—Qualifications to vote.

The county election commission has the same duties with respect to an election for the surrender of a charter as it has with respect to an election to adopt a charter under this title. Any registered voter of the city may vote in the election.

[Acts 1951, ch. 92, § 1; modified; Acts 1972, ch. 740, § 4(29); T.C.A. (orig. ed.), § 6-1809.]

6-18-110. Termination of charter—New charter.

(a) If a majority of the votes cast in the election provided for in this charter shall favor the termination of such form of government, such charter shall terminate at one (1) minute past midnight (12:01 a.m.) on the sixtieth day following the date of such election unless it falls upon a Sunday, in which case it shall terminate at one (1) minute past midnight (12:01 a.m.) on the next day. If previous to the adoption of this form of charter such city or town functions under a different charter, then upon termination of this charter such prior charter shall become effective at the time mentioned in this subsection (a), and territory previously unincorporated shall revert to that status.

(b) If by law in the case of unincorporated territory another charter may be adopted by vote of the electors, the question as to whether or not such other form of charter shall be adopted may be placed upon the ballot to be used in the election mentioned in this section, if the petition filed requests the same, and if all other necessary legal steps to adopt such other form of charter have been taken prior to the election.

[Acts 1951, ch. 92, § 1; T.C.A. (orig. ed.), § 6-1810.]

6-18-111. Election of new officers after surrender of charter—Filing deadline—Qualifications to vote.

(a) In case there is a previously incorporated city or if a new charter is adopted as provided in § 6-18-110, the county election commission shall call an election not less than forty (40) days nor more than fifty (50) days following the election for surrender of the charters provided in § 6-18-108, at which time municipal officials for the newly adopted form of government shall be chosen who shall take office upon the date fixed for the termination of the previous charter.

(b) The qualifying deadline for filing nominating petitions shall be twelve o'clock (12:00) noon of the sixth Thursday before the election.

(c) All registered voters of the municipality may vote in the election.

[Acts 1951, ch. 92, § 1; modified; Acts 1972, ch. 740, § 4(30); T.C.A. (orig. ed.), § 6-1811.]

6-18-112. Succession to assets, liabilities and obligations after surrender of charter.

In case of a reversion to a former form of charter or adoption of a new one simultaneously with the surrender of the old, all assets, liabilities and obligations of such city shall become assets, liabilities and obligations of the new municipality, and in the event that a city shall revert to an unincorporated status, the governing body of such city thereupon shall become trustees of the property and funds of such former city and, under such bonds as may be required by the county legislative body, shall proceed to terminate the affairs of the city and dispose of its property.

[Acts 1951, ch. 92, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 6-1812.]

6-18-113. Liquidation of affairs.

Should the property and funds be more than sufficient to meet the city's obligations, the surplus shall be paid into the treasury of the county to become a part of its general fund. Should the property and funds be insufficient to meet all the city's current obligations, the county legislative body is hereby authorized to levy and collect taxes upon the property within the boundaries of the former city and to pay same over to the trustees for the purpose of meeting such current deficit. The trustees shall terminate the affairs of the city as soon as possible, but in no event shall the trusteeship continue for more than thirty-six (36) months. Any matters, including obligations maturing after thirty-six (36) months, not disposed of within the period designated in this section shall become the responsibility of the county legislative body of the county wherein the city was located.

[Acts 1951, ch. 92, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 6-1813.]

6-18-114. Unconstitutional.

6-18-115. Situs county of new municipality to continue receiving tax revenues until July 1—Exception—Notice to department of revenue of incorporation.

(a) Notwithstanding any other provision of law to the contrary, whenever a new municipality incorporates under any form of charter, the county or counties in which the new municipality is located shall continue to receive the revenue from all state and local taxes distributed on the basis of situs of collection, generated within the newly incorporated area, until July 1 following the incorporation, unless the incorporation takes effect on July 1.

(b) If the incorporation takes effect on July 1, then the municipality shall begin receiving revenue from such taxes generated within its corporate boundaries for the period beginning July 1.

(c) Whenever a municipality incorporates, the municipality shall notify the department of revenue of such incorporation prior to the incorporation becoming effective, for the purpose of tax administration.

(d) Such taxes shall include the local sales tax authorized in § 67-6-103, the income tax on dividends authorized in § 67-2-102, and all other such taxes distributed to counties and municipalities based on the situs of their collection.

[Acts 1998, ch. 651, § 2.]

CHAPTER 19. POWERS UNDER CITY MANAGER-COMMISSION CHARTER

6-19-101. General powers.

Every city incorporated under chapters 18—22 of this title may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for municipal purposes;

(2) Adopt such classifications of the subjects and objects of taxation as may not be contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided in this section;

(6) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the city for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state;

(9) Condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of title 29, chapter 16, or in such other manner as may be provided by general law;

(10) Take and hold property within or without the city or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the city, its inhabitants, or any part of the city;

(12) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those in the city. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises. When an exclusive franchise is granted, it

shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those in the city. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits and regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under §§ 7-31-107—7-31-111 and 29-16-203, or in such other manner as may be provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys as provided by title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board of commissioners;

(18) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate such collection and disposal, and the cost of such collection, regulation or disposal may be funded by taxation or special assessment to the property owner;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the city, and charge reasonable fees therefor, and to provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Establish, regulate, license and inspect weights and measures in accordance with subdivision (24);

(26) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean or safe;

(27) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(28) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(29) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(30) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

(31) Regulate, tax, license or suppress the keeping or going at large of animals within the city, impound the same and, in default of redemption, to sell or kill the same;

(32) Call elections as provided in this charter; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated in this section.

[Acts 1921, ch. 173, art. 3, § 1; Shan. Supp., § 1997a131; Code 1932, § 3528; Acts 1972, ch. 740, § 4(31); Acts 1977, ch. 344, § 1; T.C.A. (orig. ed.), § 6-1901; Acts 1989, ch. 175, § 3; Acts 1995, ch. 13, §§ 8, 9; Acts 2011, ch. 453, § 6; Acts 2014, ch. 927, § 7.]

6-19-102. Enumeration of powers not exclusive.

The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this chapter impair a power granted in any other part of this charter, and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more such powers as to any one (1) or more such objects for any one (1) or more such purposes.

[Acts 1921, ch. 173, art. 3, § 2; Shan. Supp., § 1997a132; Code 1932, § 3529; T.C.A. (orig. ed.), § 6-1902.]

6-19-103. School systems.

Such town may establish, erect, and maintain public schools, and may assess and levy taxes for such purpose.

[Acts 1921, ch. 175, § 1; Shan. Supp., § 2023a53b1; Code 1932, § 3647; T.C.A. (orig. ed.), § 6-1903.]

6-19-104. Purchasing and contract procedures.

(a) The city manager shall be responsible for all city purchasing, but the city manager may delegate the duty to make purchases to any subordinate appointed by the city manager.

(b) Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchase made from or the contract awarded to the lowest and best bidder; provided, that the city may reject any and all bids.

(c) Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount to be set by ordinance. The amount set shall be equal to or greater than the amount set in chapter 56, part 3 of this title, but may not be greater than ten thousand dollars ($10,000). The transaction shall be evidenced by written contract. In cases where the board indicates by unanimous resolution of those present at the meeting, based upon the written recommendation of the manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts.

(d) The city manager may reject all bids and authorize the making of public improvements or accomplishment of any other city work by any city department.

(e) Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance.

(f) The board of commissioners may by ordinance delegate to the city manager the authority to enter into binding contracts on behalf of the city, without specific board approval, in routine matters and matters having insubstantial long-term consequences. The ordinance shall enumerate the types of matters to which the city manager's authority extends and may place other limitations on the city manager's authority under this subsection (f). As used in this subsection (f), "routine matters and matters having insubstantial long-term consequences" means any contract for which expenditures during the fiscal year will be less than ten thousand dollars ($10,000).

[Acts 1921, ch. 173, art. 21, § 1; Shan. Supp., § 1997a243; Code 1932, § 3641; T.C.A. (orig. ed.), § 6-1905; Acts 1989, ch. 175, § 4; Acts 1999, ch. 270, § 1.]

6-19-105. Retirement benefits.

The board of commissioners may provide for the retirement of the city's full-time nonelective officers and employees and make available to them any group, life, hospital, health, or accident insurance, either

independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law.

[Acts 1975, ch. 179, § 1; T.C.A. (orig. ed.), § 6-1906.]

CHAPTER 20. COMMISSIONERS AND MAYOR UNDER CITY MANAGER-COMMISSION CHARTER

PART 1. ELECTION OF COMMISSIONERS

6-20-101. Number and terms of commissioners—Election by districts.

(a) In all cities that adopt the provisions of chapters 18—22 of this title, commissioners as provided for in this charter shall be elected in the manner prescribed in this chapter.

(b) If such city or territory has a population of five thousand (5,000) or more according to the last federal census, there shall be elected at the first election five (5) commissioners, the three (3) receiving the highest number of votes to hold office for four (4) years, and the other two (2) for two (2) years. If such city or territory has a population of less than five thousand (5,000) according to the last federal census, there shall be elected at the first election three (3) commissioners, the two (2) receiving the highest number of votes to hold office for four (4) years and the third for two (2) years. The term of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. Any such city that has a population of not less than two thousand nine hundred twenty (2,920) nor more than two thousand nine hundred twenty-two (2,922), according to the federal census of 1960 or any subsequent federal census, five (5) commissioners shall be elected as provided for cities of more than five thousand (5,000) population. The deadline for filing nominating petitions for the first commissioners is thirty-five (35) days before the incorporation election.

(c) Any city having a population of less than five thousand (5,000) shall have the option of increasing the number of commissioners to five (5) by ordinance. In the next regular city election after the adoption of such an ordinance, voters shall be entitled to vote for three (3) commissioners, or four (4) commissioners, as the case may be, and at the same election the approval of the ordinance shall also be submitted to the voters. If a majority of those voting on the ordinance shall be for approval and the number of commissioners to be elected is three (3), the two (2) receiving the highest number of votes shall hold office for four (4) years, and the third for two (2) years. If the number of commissioners to be elected is four (4), the two (2) receiving the highest number of votes shall hold office for four (4) years, and the other two (2) for two (2) years. The terms of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. If a majority of those voting on the ordinance shall not be for approval, the ordinance shall be null and void, and the results of the election shall be certified as though the election were for one (1) commissioner, or two (2) commissioners, as the case may be, and as though no ordinance had been adopted. Any city that has previously adopted an ordinance approved by the voters pursuant to this subsection (c) increasing the number of commissioners from three (3) to five (5), may, after six (6) years, adopt an ordinance to decrease the number of commissioners from five (5) to three (3) following the same procedure. If a majority of those persons voting on the ordinance shall be for approval, then the number of commissioners shall be reduced to three (3). Any such ordinance providing for a decrease in the number of commissioners shall not operate to abbreviate the term of office of any elected commissioner.

(d) An ordinance increasing the number of commissioners to five (5) may also be submitted to the voters in an election on the question that the board of commissioners directs the county election commission to hold. At such election, voters shall be entitled to vote for two (2) commissioners to serve until the next regular city election. If a majority of those voting on the ordinance shall be for approval, the two (2) candidates for

commissioner receiving the highest number of votes shall be declared elected. At the next regular city election if the number of commissioners to be elected is four (4), the three (3) receiving the highest number of votes shall hold office for four (4) years, and the fourth for two (2) years; if the number of commissioners to be elected is three (3), they shall hold office for four (4) years. The terms of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. If a majority of those voting on the ordinance in the special election shall not be for approval, the ordinance and the election of the two (2) commissioners shall be null and void.

(e) Notwithstanding subsections (a)—(d), a city with a population of not less than six hundred (600) nor more than six hundred twenty-five (625) persons, according to the 1980 federal census or any subsequent federal census, located in a county with a population in excess of seven hundred thousand (700,000) persons, also according to the 1980 federal census or any subsequent federal census, shall elect all commissioners at one time for a four-year term so that the city may be spared the expense of conducting elections every two (2) years. In order to effectuate this provision, all commissioners to be elected at the 1983 election shall be elected to a two-year term only, to serve until the 1985 election at which time, and every four (4) years thereafter, all commissioners shall be elected to four-year terms. Subsection (e) shall have no effect unless approved by a two-thirds (⅔) vote of the governing body of any municipality to which it may apply.

(f) Cities that have adopted § 6-20-201(a)(3) to provide for popular election of the mayor shall have two (2) or four (4) commissioners as the case may be under subsection (b) or (c).

(g) Notwithstanding subsections (a)—(f), any city incorporated under or adopting this charter may, by ordinance, choose to elect the members of the board of commissioners by district. If the board chooses to elect commissioners by district, the board shall by ordinance create contiguous single-member districts equal to the number of commissioners. The districts shall be equitably apportioned according to population. The establishment of the districts and the fixing of their boundaries shall be accomplished not less than twelve (12) months prior to the regular city election at which commissioners are to be elected, and any change in district boundaries shall also be accomplished within this time limitation. The board shall, within ten (10) years from the initial establishment of districts and at least once in every ten (10) years thereafter, reapportion the districts so that the apportionment shall comply with the requirements of this section. One (1) commissioner shall be elected from each district of the city. The ordinance providing that the commissioners will be chosen by districts may provide that each district commissioner will be elected by the voters of the city at-large or by only the voters of the district. A person must reside in a district to run for or hold the office of commissioner from that district. The ordinance providing that commissioners will be chosen by district may also provide for transition provisions, including increasing the terms of the number of commissioners necessary so that the initial election from all districts shall take place at the same time. The ordinance may provide that all commissioners initially elected serve four-year terms or that some serve four (4) years and some serve two (2) years. If some are elected for two (2) years, their successors shall be elected for four (4) years, so that the commissioners have staggered terms. After the initial election, all commissioners shall be elected for four-year terms.

(h) Any city having a population of more than twenty thousand (20,000), according to the last federal census, shall have the option of increasing the number of commissioners to seven (7) by ordinance. Upon adoption of such an ordinance, it shall be filed with the county election commission, which shall submit approval of the ordinance to the voters of the city at the next general election or regular city election that follows the filing period required pursuant to § 2-3-204(b). If a majority of those voting on the ordinance are not for approval, the ordinance shall be null and void. If a majority of those voting on the ordinance are for approval, then at the next regular city election, voters shall be entitled to vote for four (4) commissioners, or five (5) commissioners, as the case may be, in order to provide for a total of seven (7) commissioners. If the number of commissioners to be elected is four (4), each shall hold office for four (4) years. If the number of commissioners to be elected is five (5), the three (3) receiving the highest number of votes shall hold office for four (4) years, and the other two (2) for two (2) years. The terms of all commissioners thereafter elected

shall be for four (4) years, or until their successors are elected and qualified. An ordinance approved by the voters pursuant to this section may not be repealed or amended.

(i) (1) In elections of commissioners in a city having a population of not less than five thousand seven hundred sixty (5,760) nor more than five thousand eight hundred eighty (5,880) which is located inside a county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900) according to the 2010 federal census or any subsequent federal census, commission positions shall be designated as Seat A, Seat B, Seat C, Seat D, or Seat E. Any candidate for the commission shall designate, upon qualifying for election, the particular designated seat that the candidate seeks. In each regular city election, all voters in the city may vote for one (1) candidate for each designated seat that is open by reason of the expiration of a commissioner's term.

[Acts 1921, ch. 173, art. 2, § 1; Shan. Supp., § 1997a125; Code 1932, § 3522; T.C.A. (orig. ed.), § 6-2001; Acts 1963, ch. 114, § 1; Acts 1967, ch. 79, § 1; Acts 1968, ch. 438, § 1; Acts 1972, ch. 740, § 4(32); Acts 1983, ch. 14, § 1; Acts 1989, ch. 61, § 2; Acts 1989, ch. 175, § 5; Acts 2006, ch. 540, § 1; Acts 2015, ch. 394, §§ 1, 2; Acts 2016, ch. 696, § 1.]

6-20-102. Date of elections.

(a) The first election of commissioners in any city under chapters 18—22 of this title shall be held on the fourth Tuesday following the election at which the provisions of these chapters have been adopted. The board of commissioners shall fix the date of all subsequent elections; provided, that any date so designated shall fall within ninety (90) days of the annual anniversary of the first election of the board of commissioners.

(b) In any city having a population of not less than three hundred seventy-five (375) nor more than four hundred twenty-five (425), in any county having a population of not less than twenty-eight thousand (28,000) nor more than twenty-eight thousand one hundred (28,100), all according to the 1970 federal census or any subsequent federal census, the board of commissioners shall fix the date of all subsequent elections; provided, that any date so designated shall be set at least one hundred twenty (120) days prior to the date such election is to be held. The presiding officer of the board of commissioners shall certify such election date, or any subsequent change thereto, to the secretary of state.

(c) (1) The board of commissioners may by ordinance change the date of municipal elections to coincide with the August or November general election. The ordinance changing the election date shall provide for the extension of the terms of members of the board necessary to meet the election date, but no term may be extended for more than two (2) years beyond its regular expiration date.

(2) Nothing in subdivision (c)(1) shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected.

(3) If the board of commissioners changes the date of municipal elections pursuant to subdivision (c)(1), the board may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The board may only make an election date change under this subdivision (c)(3) one (1) time. Terms of incumbent members of the board shall not be abridged to accomplish an election date change under this subsection (c); however members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent members. If such members take office at a later date, their term may be abridged due to such members having to take office at the later date.

(d) (1) In addition to the authority granted by subsections (a), (b) and (c), the board of commissioners of any municipality incorporated under the general laws of this state and having a population of not less than four hundred fifty (450) nor more than four hundred sixty (460), or not less than four hundred eight-five (485) nor more than four hundred ninety-four (494), that is located in any county having a population of not less than

fifty-one thousand two hundred (51,200) nor more than fifty-one thousand three hundred (51,300), all according to the 2000 federal census or any subsequent federal census, may, by an ordinance approved by an affirmative two-thirds (⅔) vote of its membership, fix the date of subsequent regular municipal elections as the date of the regular November election as defined in § 2-1-104, by one (1) of the following alternative methods specified in the ordinance:

(A) The terms of office of the incumbent members of the board of commissioners and popularly-elected mayor, if there is one, that would have expired on the date of the first regular municipal election occurring after the adoption of the ordinance shall be extended to the date of the regular state November election occurring thereafter. The terms of office of the incumbent members of the board of commissioners and popularly-elected mayor, if there is one, that would have expired on the date of the second regular municipal election occurring after the adoption of the ordinance shall be extended to the date of the regular state November election occurring thereafter; or

(B) The terms of incumbent members of the board of commissioners, and the popularly-elected mayor, if there is one, that expire six (6) months or less before a regular state November election, shall be extended to the date of that state election. The terms of members of the board of commissioners and the popularly-elected mayor, if there is one, that expire more than six (6) months before a regular state November election shall be filled at the regular city election pertinent to those offices for terms extending to the next regular state November election.

(2) Members of the board of commissioners, and the popularly-elected mayor, if there is one, shall be elected for terms of four (4) years, except for the transitional term provided for in subdivision (d)(1)(B).

(3) Nothing in this subsection (d) shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected.

[Acts 1921, ch. 173, art. 2, § 4; Shan. Supp., § 1977a128; Code 1932, § 3525; T.C.A. (orig. ed.), § 6-2002; Acts 1971, ch. 273, § 1; Acts 1982, ch. 898, § 1; Acts 1985, ch. 79, § 1; Acts 2007, ch. 44, § 1; Acts 2010, ch. 1008, § 2.]

6-20-103. Persons eligible as commissioners.

A qualified voter of the city, other than a person qualified to vote based only on nonresident ownership of real property under § 6-20-106(b), shall be eligible for election to the office of commissioner.

[Acts 1921, ch. 173, art. 4, § 2; Shan. Supp., § 1997a134; Code 1932, § 3531; T.C.A. (orig. ed.), § 6-2003; Acts 2001, ch. 1, § 1.]

6-20-104. Disqualification from office.

No person shall become commissioner who has been convicted of malfeasance in office, bribery, or other corrupt practice, or crime, or of violating any of the provisions of § 6-20-108 in reference to elections. Any commissioner so convicted shall forfeit such commissioner's office.

[Acts 1921, ch. 173, art. 4, § 3; Shan. Supp., § 1997a135; Code 1932, § 3532; T.C.A. (orig. ed.), § 6-2004.]

6-20-105. Calling elections.

The board of commissioners has the power by ordinance to direct the calling by the county election commission of municipal elections, including all elections respecting bond issues.

[Acts 1921, ch. 173, art. 2, § 2; Shan. Supp., § 1997a126; Code 1932, § 3523; T.C.A. (orig. ed.), § 6-2005; Acts 1970, ch. 403, § 1; Acts 1972, ch. 740, § 4(33).]

6-20-106. Qualifications of voters.

(a) In any election of commissioners under this charter, registered voters of the city or territory may vote.

(b) In cities having populations of not less than one thousand three hundred fifty (1,350) nor more than one thousand three hundred seventy-five (1,375), according to the 1970 federal census or any subsequent federal census, registered voters who own real property located in any such city shall be entitled to vote in all municipal elections and municipal referenda held in such city. In cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote under this subsection (b). This subsection (b) shall have no effect unless it is approved by a two-thirds (⅔) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such board and certified by such presiding officer to the secretary of state.

(c) In cities having a population of not less than four thousand five hundred fifty (4,550) nor more than four thousand six hundred eight (4,608) according to the 1980 federal census or any subsequent federal census, all registered voters who own real property located in any such city shall also be entitled to vote in all municipal elections and municipal referenda held in such city.

(d) In any city having a population of not less than one thousand nine hundred forty (1,940) nor more than two thousand (2,000), according to the 1980 federal census or any subsequent federal census, a registered voter who resides outside the boundaries of the city, but who owns at least eight thousand square feet (8,000 sq. ft.) of real property located within the boundaries of the city, shall be entitled to vote in all municipal elections and municipal referenda held in the city. In any case of multiple ownership of such real property, the nonresident voter must own at least one-half (½) interest of such property. This subsection (d) shall have no effect unless it is approved by a two-thirds (⅔) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such board and certified by such presiding officer to the secretary of state.

(e) In municipalities having a population of not less than one thousand ten (1,010) and not more than one thousand fifteen (1,015), according to the 1990 federal census or any subsequent federal census, all registered voters who own real property located in any such municipality shall also be entitled to vote in all municipal elections and municipal referenda held in such city. In cases of multiple ownership of real property, no more than two (2) owners who are registered voters are eligible to vote under this subsection (e). This subsection (e) shall have no effect unless it is approved by a two-thirds (⅔) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such municipality and certified by the presiding officer to the secretary of state.

(f) (1) In any city incorporated under chapters 18—22 of this title having a population of net less than four hundred sixty (460) nor more than four hundred sixty-nine (469), according to the 2010 federal census or any subsequent federal census, registered voters who own real property located in any such city shall be entitled to vote in all municipal elections and municipal referenda held in such city; provided, that in cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote.

(2) Subdivision (f)(1) shall have no effect unless it is approved by a two-thirds (⅔) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of the board and certified by the presiding officer to the secretary of state.

[Acts 1921, ch. 173, art. 2, § 2; Shan. Supp., § 1997a126; Code 1932, § 3523; T.C.A. (orig. ed.), § 6-2006; Acts 1970, ch. 403, § 1; Acts 1971, ch. 261, § 1; Acts 1972, ch. 740, § 4(34); Acts 1976, ch. 846, §§ 1, 2; Private Acts 1978, ch. 263, §§ 1, 2; Acts 1989, ch. 30, § 1; Acts 1991, ch. 461, § 1; Acts 1996, ch. 820, § 1; Acts 2015, ch. 252, § 1.]

6-20-107. Declaration of results.

The county election commission shall determine and declare the results of the election. The requisite number of candidates receiving the highest number of votes shall be declared elected.

[Acts 1921, ch. 173, art. 2, § 3; Shan. Supp., § 1997a127; Code 1932, § 3524; T.C.A. (orig. ed.), § 6-2007; Acts 1972, ch. 740, § 4(35).]

6-20-108. Improper solicitation of political support.

No candidate for any office nor any other person shall, directly or indirectly, give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for any candidate. Any person violating this section shall be punished by fine of not more than fifty dollars ($50.00) for each offense.

[Acts 1921, ch. 173, art. 22, § 4; Shan. Supp., § 1997a247; Code 1932, § 3645; T.C.A. (orig. ed.), § 6-2009.]

6-20-109. Beginning of terms of office.

The terms of all commissioners shall begin at the beginning of the first regularly scheduled meeting of the board of commissioners following the date of their election.

[Acts 1921, ch. 173, art. 2, § 6; Shan. Supp., § 1997a130; Code 1932, § 3527; T.C.A. (orig. ed.), § 6-2010; Acts 1990, ch. 632, § 1.]

6-20-110. Vacancies.

(a) Any vacancy on the board occurring prior to a regular city election shall be filled by the remaining members of the board until that election. At the election, the remaining unexpired term shall be filled. No member shall be appointed under this section at any time when the board already has one (1) member so appointed. In the case of any additional vacancy, the board shall by ordinance or resolution, call upon the county election commission to call a special election for the purpose of filling such additional vacancy. If a city has chosen to elect commissioners from districts, any vacancy in a district commissioner's office shall be filled by the appointment or election of a qualified person who resides in the district.

(b) If, within ninety (90) days of the occurrence of a vacancy, the vacancy has not been filled by the remaining members of the commission in accordance with subsection (a), then the mayor, or, if a vacancy exists in the position of mayor, then the city manager, or, if a vacancy exists in the positions of mayor and city manager, then the city recorder, shall notify the county election commission within five (5) business days following the passage of such ninety-day period. The county election commission shall call a special election for the purpose of filling the vacancy; provided, however, that such special election shall be held in conjunction with the next general election or city election, if such election is scheduled to occur more than seventy-five (75) days but less than one hundred twenty (120) days from the date the county election commission is notified of the unfilled vacancy.

[Acts 1921, ch. 173, art. 4, § 8; Shan. Supp., § 1997a142; Code 1932, § 3539; T.C.A. (orig. ed.), § 6-2011; Acts 1972, ch. 740, § 4(36); Acts 1973, ch. 222, § 1; Acts 1989, ch. 175, § 6; Acts 2005, ch. 255, § 1.]

6-20-111. Term limits for mayor and board of commissioners.

(a) Subject to the further provisions of this section, the board of commissioners of any municipality incorporated under this charter that is located within a county that has adopted a charter form of government is authorized, upon its own initiative and upon the adoption of an ordinance by a two-thirds (⅔) vote at two (2)

separate meetings, to establish term limits for the mayor and the board of commissioners of such municipality in such manner as shall be designated by the ordinance. The operation of the ordinance shall be subject to approval of the voters as required in subsection (b).

(b) (1) Any ordinance to establish term limits for the mayor and board of commissioners of any municipality to which subsection (a) applies shall not become operative until approved in an election herein provided in the municipality. Upon the adoption of the ordinance, the mayor shall notify the county election commission to hold an election as provided in this subsection (b).

(2) After the receipt of a certified copy of such ordinance, the county election commission shall hold an election on the question pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the ordinance, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative.

(3) If the majority vote is for the ordinance, it shall be deemed to be operative on the date that the county election commission makes its official canvass of the election returns; provided, however, that no term limits shall apply until the election of the mayor and board of commissioners held after the ordinance is operative.

(4) If the majority vote is against the ordinance, no further elections on the question of term limits shall be held until at least four (4) years have expired from the previous election and only after the board of commissioners adopts a new ordinance for such purposes in accordance with subsection (a).

(c) Any referendum required by this section may only be submitted to the voters at a regular August election, regular November election, or regularly scheduled municipal election.

[Acts 2015, ch. 243, § 1.]

PART 2. POWERS AND DUTIES OF BOARD

6-20-201. Election of mayor—Absence or disability of mayor.

(a) (1) The commissioners, at the first regular meeting after each biennial election, shall elect one (1) of their number mayor for a term of two (2) years, and, thus organized, the body shall be known as the board of commissioners.

(2) In cities holding elections every four (4) years under the terms of § 6-20-101(e), the commissioners, at the first regular meeting after the quadrennial election and every two (2) years subsequent thereto, shall elect one (1) of their number mayor for a term of two (2) years, and the body so organized shall be known as the board of commissioners. This subdivision (a)(2) shall have no effect unless approved by a two-thirds (⅔) vote of the governing body of any municipality to which it may apply.

(3) (A) Cities holding elections every four (4) years under the terms of § 6-20-101 and having a population of not less than one thousand twenty (1,020) nor more than one thousand thirty (1,030), according to a 1987 state certified census or any subsequent federal census, shall have the option of a popular election of a mayor, to serve four (4) consecutive years, as the board of commissioners directs the county election commission to hold under § 6-20-102. Voters shall be entitled to vote for a mayor and two (2) or four (4) commissioners dependent upon those provisions of § 6-20-101 in effect for that city.

(B) Subdivision (a)(3)(A) shall have no effect unless approved by a two-thirds (⅔) vote of the governing body of any municipality to which it may apply.

(b) (1) (A)Rather than being elected by the board of commissioners, the mayor may be elected by popular vote if this method of electing the mayor is approved in a referendum in the city. In the referendum, the question on the ballot shall appear in substantially this form:

> Shall the mayor of this city be elected by popular vote rather than by the board of commissioners?

(B) The referendum may be called by resolution of the board of commissioners or by petition of ten percent (10%) of the registered voters of the city. The referendum shall be held by the county election commission as provided in the general election law for elections on questions, or the resolution or petition may provide that the referendum be held at the next regular city election.

(2) Once the popular election of the mayor has been approved by a majority of those voting, the board of commissioners shall designate by ordinance one (1) of the commissioner positions as that of mayor. The popular election of the mayor shall take effect at the next election for the position designated. In the mayoral election, the person receiving the most votes shall become the mayor. The term of the popularly elected mayor shall be four (4) years.

(3) In a city that has chosen to elect commissioners from districts and that also has chosen to elect the mayor by popular vote, the board of commissioners shall establish one (1) less district than the number of commissioners, and the mayor shall be elected at-large for a four-year term.

(4) The popularly elected mayor shall have the same powers and duties as a mayor chosen by the board of commissioners.

(c) During the absence or disability of the mayor, the board shall designate some properly qualified person to perform the mayor's duties.

[Acts 1921, ch. 173, art. 4, § 1; art. 7, § 1; modified; Shan. Supp., §§ 1997a133, 1997a157; Code 1932, §§ 3530, 3554; T.C.A. (orig. ed.), § 6-2012; Acts 1983, ch. 14, § 2; Acts 1989, ch. 61, § 1; Acts 1989, ch. 175, § 7.]

6-20-202. Appointment of vice mayor.

At the first meeting of the board, and thereafter at the first meeting after a general city election, the board shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor.

[Acts 1921, ch. 173, art. 4, § 9; Shan. Supp., § 1997a143; Code 1932, § 3540; T.C.A. (orig. ed.), § 6-2013.]

6-20-203. Duties of vice mayor.

The vice mayor shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor, such member shall become mayor and hold office as such for the unexpired term.

[Acts 1921, ch. 173, art. 4, § 9; Shan. Supp., § 1997a144; Code 1932, § 3541; T.C.A. (orig. ed.), § 6-2014.]

6-20-204. Compensation of mayor and commissioners.

(a) The salary of the mayor shall not exceed three hundred dollars ($300) per month, and the salary of each commissioner shall not exceed two hundred fifty dollars ($250) per month; except that in cities that have a population of not less than one thousand (1,000), according to the federal census of 1970 or any subsequent federal census, the salary of the mayor shall not exceed five hundred dollars ($500) per month, and the salary of each commissioner shall not exceed four hundred fifty dollars ($450) per month. No increase in the salaries permitted by this section shall become effective unless approved by a two-thirds (⅔) vote of the board of commissioners.

(b) (1) The salary of the mayor and commissioners shall be set by the board of commissioners. In cities with a population of less than one thousand (1,000), however, the salary of the mayor shall not exceed five hundred dollars ($500) per month, and the salary of each commissioner shall not exceed four hundred fifty dollars ($450) per month. In cities with a population of one thousand (1,000) or more, the salary of the mayor shall not exceed one thousand dollars ($1,000) per month, and the salary of each commissioner shall not exceed nine hundred fifty dollars ($950) per month. No increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (⅔) vote of the members to which the board of commissioners is entitled. Populations referred to in this section shall be as determined by the latest federal decennial census.

(2) This subsection (b) shall only apply in counties having a population of not less than four hundred seventy thousand (470,000) nor more than four hundred eighty thousand (480,000), according to the 1980 federal census or any subsequent federal census.

(c) (1) Notwithstanding the limits established in subsections (a) and (b), the salaries of the mayor and commissioners may be established annually by the board of commissioners at the time of adoption of the annual operating budget; provided, however, that such salaries shall not be increased or diminished prior to the end of the term for which such officials were elected.

(2) This subsection (c) shall become effective upon approval by a two-thirds (⅔) vote of the board of commissioners.

[Acts 1921, ch. 173, art. 4, § 4; Shan. Supp., § 1997a136; mod.; Code 1932, § 3533; T.C.A. (orig. ed.), § 6-2015; Acts 1968, ch. 541, § 1; Acts 1977, ch. 238, § 1; Acts 1989, ch. 579, §§ 1, 2; Acts 2001, ch. 141, § 1.]

6-20-205. Powers of board—Conflict of interest.

(a) The legislative and all other powers, except as otherwise provided by this charter, are delegated to and vested in the board of commissioners. The board may by ordinance or resolution not inconsistent with this charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

[Acts 1921, ch. 173, art. 4, § 5; Shan. Supp., § 1997a137; Code 1932, § 3534; T.C.A. (orig. ed.), § 6-2016; Acts 1986, ch. 765, §§ 1-3; Acts 2016, ch. 1072, § 3.]

6-20-206. Exercise of board's powers.

The board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board, except through proceedings adopted at some regular or special session.

[Acts 1921, ch. 173, art. 4, § 5; Shan. Supp., § 1997a138; Code 1932, § 3535; T.C.A. (orig. ed.), § 6-2017.]

6-20-207. Regular meetings.

The board of commissioners shall by ordinance fix the time and place at which the regular meetings of the board shall be held. Until otherwise provided by ordinance, the regular meetings of the board shall be held at eight o'clock p.m. (8:00 p.m.) on the first and third Thursdays of each month.

[Acts 1921, ch. 173, art. 4, § 6; Shan. Supp., § 1997a139; Code 1932, § 3536; T.C.A. (orig. ed.), § 6-2018.]

6-20-208. Special meetings.

Whenever, in the opinion of the mayor, city manager or any two (2) commissioners the welfare of the city demands it, the mayor or the recorder shall call special meetings of the board of commissioners upon at least twelve (12) hours written notice to each commissioner, the city manager, recorder, and city attorney, served personally or left at such person's usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting.

[Acts 1921, ch. 173, art. 4, § 6; Shan. Supp., § 1997a140; Code 1932, § 3537; T.C.A. (orig. ed.), § 6-2019.]

6-20-209. Mayor presiding.

The mayor shall preside at all meetings of the board of commissioners.

[Acts 1921, ch. 173, art. 4, § 7; Shan. Supp., § 1997a141; Code 1932, § 3538; T.C.A. (orig. ed.), § 6-2020.]

6-20-210. Quorum.

A majority of all the members of the board constitutes a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of the absentees in such manner and under such penalties as the board may provide.

[Acts 1921, ch. 173, art. 4, § 10; Shan. Supp., § 1997a145; Code 1932; § 3542; T.C.A. (orig. ed.), § 6-2021.]

6-20-211. Procedural powers and duties of board—Penalties.

(a) The board may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine any member or other person guilty of disorderly or contemptuous behavior in its presence.

(b) (1) The board has the power and may delegate it to any committee to:

(A) Subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction;

(B) Call upon its own officers or the chief of police to execute its process; and

(C) Arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

(2) The refusal to obey a subpoena or order of the board is a Class C misdemeanor.

(c) A violation of this section is a Class C misdemeanor, and each day's continuance in any refusal to comply with the requirements of this section is a separate offense.

(d) The board's presiding officer or the chair of any committee may administer oaths to witnesses.

(e) The board shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon.

[Acts 1921, ch. 173, art. 4, § 11; Shan. Supp., § 1997a146; Code 1932, § 3543; T.C.A. (orig. ed.), § 6-2022; Acts 1989, ch. 175, § 8; Acts 1989, ch. 591, § 113.]

6-20-212. Board sessions public—Emergencies.

(a) All sessions of the board shall be public.

(b) All sessions of the board shall be subject to change of plan in case of emergency.

[Acts 1921, ch. 173, art. 4, § 12; Shan. Supp., § 1997a147; Code 1932, § 3544; T.C.A. (orig. ed.), § 6-2023.]

6-20-213. Powers of mayor.

The mayor shall preside at all meetings of the board of commissioners and perform such other duties consistent with the mayor's office as may be imposed by it, and the mayor shall have a seat, a voice and a vote, but no veto. The mayor shall sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and the mayor may introduce ordinances to the board of commissioners.

[Acts 1921, ch. 173, art. 6, § 1; Shan. Supp., § 1997a154; Code 1932, § 3551; T.C.A. (orig. ed.), § 6-2024.]

6-20-214. Style of ordinances.

All ordinances shall begin, "Be it ordained by the city of (here insert name) as follows:."

[Acts 1921, ch. 173, art. 5, § 1; Shan. Supp., § 1997a149; Code 1932, § 3546; T.C.A. (orig. ed.), § 6-2025.]

6-20-215. Ordinance procedure.

(a) (1) Except as provided in subdivision (a)(2), every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18—22 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(2) Notwithstanding subdivision (a)(1), the board of commissioners governing any city incorporated under chapters 18—22 of this title may adopt ordinances pursuant to a consent calendar if the board unanimously passes an ordinance approving the consent calendar; provided, the ordinance approving the consent calendar shall require that:

(A) Each ordinance on the consent calendar be considered on two (2) different days in open session before its adoption and that not less than one (1) week shall elapse between first and second consideration;

(B) Copies of each ordinance adopted pursuant to the consent calendar be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading;

(C) If any board member objects to an ordinance on the consent calendar or any amendment is adopted to an ordinance on the consent calendar, then the ordinance shall be removed from the consent calendar and may be adopted pursuant to subdivision (a)(1); and

(D) Copies of the consent calendar shall be published along with the agenda prior to any meeting at which the consent calendar will be considered.

(3) A city that has established a consent calendar pursuant to subdivision (a)(2) may eliminate the consent calendar by passage of an ordinance in the same manner required to create the consent calendar.

(b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage;

provided, that it shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency.

(c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended, except by a new ordinance.

[Acts 1921, ch. 173, art. 5, § 2; Shan. Supp., § 1997a150; Code 1932, § 3547; T.C.A. (orig. ed.), § 6-2026; Acts 1976, ch. 420, § 1; Acts 1989, ch. 175, § 9; Acts 1995, ch. 13, § 10; Acts 1996, ch. 652, § 4; Acts 2015, ch. 115, § 1.]

6-20-216. Voting by board.

In all cases under § 6-20-215, the vote shall be determined by yeas and nays, and the names of the members voting for or against an ordinance shall be entered upon the journal.

[Acts 1921, ch. 173, art. 5, § 3; Shan. Supp., § 1997a151; Code 1932, § 3548; T.C.A. (orig. ed.), § 6-2027.]

6-20-217. Recording of ordinances.

Every ordinance shall be immediately taken charge of by the recorder and by the recorder be numbered, copied in an ordinance book, filed and preserved in the recorder's office.

[Acts 1921, ch. 173, art. 5, § 4; Shan. Supp., § 1997a152; Code 1932, § 3549; T.C.A. (orig. ed.), § 6-2028.]

6-20-218. Publication of penal ordinances—Effective date.

(a) Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

(b) No such ordinance shall take effect until the ordinance, or its caption, is published, except as otherwise provided in chapter 54, part 5 of this title.

[Acts 1921, ch. 173, art. 5, § 5; Shan. Supp., § 1997a153; Code 1932, § 3550; T.C.A. (orig. ed.), § 6-2029; Acts 1981, ch. 194, § 1; Acts 1984, ch. 811, § 2.; Acts 1989, ch. 175, § 16.]

6-20-219. Mayoral duties required by ordinance.

The mayor has the power and it is hereby made the mayor's duty to perform all acts that may be required of the mayor by any ordinance duly enacted by the board of commissioners, not in conflict with any of the provisions of this charter.

[Acts 1921, ch. 173, art. 6, § 2; Shan. Supp., § 1997a155; Code 1932, § 3552; T.C.A. (orig. ed.), § 6-2030.]

6-20-220. Removal of officers.

(a) The mayor or any commissioner may be removed from office by the board of commissioners for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, by a majority vote of the other members of the board voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the accused or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the city.

(b) The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the board to compel the attendance of witnesses in the accused's behalf. Such vote shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be entered in the journal.

(c) Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without further action.

(d) Anyone removed under this section shall have the right of appeal.

[Acts 1921, ch. 173, art. 4, § 13; Shan. Supp., § 1997a148; Code 1932, § 3545; T.C.A. (orig. ed.), § 6-2032; Acts 1989, ch. 175, § 10.]

CHAPTER 21. CITY MANAGER, OFFICERS AND EMPLOYEES

PART 1. GENERAL PROVISIONS

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

(a) The board of commissioners shall appoint and fix the salary of the city manager, who shall serve at the will of the board.

(b) (1) The city manager may not be removed within twelve (12) months from the date on which the city manager assumed the duties of the city manager, except for incompetence, malfeasance, misfeasance, or neglect of duty.

(2) In case of the city manager's removal within that period, the city manager may demand written charges and a public hearing thereon before the board prior to the date on which final removal shall take effect. The decision and action of the board on such hearing shall be final, and pending such hearing, the board may suspend the city manager from duty.

[Acts 1921, ch. 173, art. 7, § 1; modified; Shan. Supp., § 1997a157; Code 1932, § 3554; T.C.A. (orig. ed.), § 6-2101.]

6-21-102. Subordinate officers and employees.

(a) The city manager may appoint, promote, suspend, transfer and remove any officer or employee of the city responsible to the city manager; or the city manager may, in the city manager's discretion, authorize the head of a department or office responsible to the city manager to take such actions regarding subordinates in such department or office. The city manager shall appoint such heads of administrative offices or organizational units as the city manager deems necessary. The city manager may combine, or personally hold, any such administrative offices established pursuant to this subsection (a) or otherwise established or may delegate parts of the duties of the city manager's office to designated subordinates.

(b) Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the board of commissioners.

[Acts 1921, ch. 173, art. 7, § 2; Shan. Supp., § 1997a158; Code 1932, § 3555; T.C.A. (orig. ed.), § 6-2102; Acts 1989, ch. 175, § 11.]

6-21-103. Oath of office.

Every officer, agent, and employee holding a position upon an annual salary shall, before entering upon such person's duties, take and subscribe and file with the recorder, an oath or affirmation that such person has all the qualifications named in this charter for the office or employment such person is about to assume, that such person will support the constitutions of the United States and of this state and the charter and ordinances of the city and will faithfully discharge the duties of the office or employment.

[Acts 1921, ch. 173, art. 7, § 3; Shan. Supp., § 1997a159; Code 1932, § 3556; T.C.A. (orig. ed.), § 6-2103.]

6-21-104. Surety bond.

The city manager and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon these duties, execute a fidelity bond with some surety company authorized to do business in the state of Tennessee, as surety, except that bonds for five hundred dollars ($500) or less may be given with personal surety, in such amount as shall be prescribed by ordinance of the board of commissioners, except where the amount is prescribed in this charter. All such bonds and sureties thereto shall be subject to the approval of the board of commissioners. The cost of making these bonds is to be paid by the city.

[Acts 1921, ch. 173, art. 7, § 4; Shan. Supp., § 1997a160; Code 1932, § 3557; T.C.A. (orig. ed.), § 6-2104.]

6-21-105. Additional bond.

If, at any time, it appears to the mayor, city manager, or recorder that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after being notified, the officer or employee's office shall be vacant.

[Acts 1921, ch. 173, art. 7, § 5; Shan. Supp., § 1997a161; Code 1932, § 3558; T.C.A. (orig. ed.), § 6-2105.]

6-21-106. Political activities of officers and employees—Penalties.

(a) Neither the city manager, recorder, city judge, chief of police nor any person in the employ of the city, under any of such officers, shall take any active part in or contribute any money toward the nomination or election of any candidate for election to the board of commissioners, except to answer such questions as may be put to them and as they may desire to answer.

(b) A violation of this section shall subject the offenders to removal from office or employment, and to punishment by fine of not more than fifty dollars ($50.00) for each offense.

[Acts 1921, ch. 173, art. 22, § 3; Shan. Supp., § 1997a246; Code 1932, § 3644; T.C.A. (orig. ed.), § 6-2106.]

6-21-107. Manager as administrative head—Absence—Time devoted to office.

(a) In addition to all other powers conferred upon the city manager, the city manager shall be the administrative head of the municipal government under the direction and supervision of the board of commissioners. The city manager shall be appointed without regard to the city manager's political beliefs and need not be a resident of the city or state at the time of appointment.

(b) During the absence or disability of the city manager, the board of commissioners may designate some properly qualified person to perform the functions of the city manager.

(c) The city manager shall not be required to give the city manager's entire time to the affairs of the city, unless the city commissioners, when employing the city manager, make the employment conditional upon the city manager's devoting the city manager's entire time to the interest of the city.

[Acts 1921, ch. 173, art. 8, § 1; Shan. Supp., § 1997a162; Code 1932, § 3559; T.C.A. (orig. ed.), § 6-2107.]

6-21-108. Powers and duties of manager.

The powers and duties of the city manager are to:

(1) See that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, see that prosecutions are instituted in the city court;

(2) Except as otherwise provided in this charter, appoint, promote, demote, suspend, transfer, remove, and otherwise discipline all department heads and subordinate employees at any time, subject only to any personnel rules and regulations adopted by ordinance or resolution by the commission. Any hearings on, or appeals from, the city manager's personnel decisions provided for in the personnel rules and regulations shall be exclusively before the city manager or a hearing officer designated by the city manager;

(3) Supervise and control the work of the recorder, the chief of police, the city attorney, treasurer, and all other officers, and of all departments and divisions created by this charter or that hereafter may be created by the board of commissioners;

(4) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility or franchise are faithfully done, kept and performed, and, upon knowledge or information of any violation thereof, call the same to the attention of the city attorney, who is hereby required to take such steps as are necessary to enforce the same;

(5) Attend all meetings of the board, with the right to take part in the discussion, but not to vote;

(6) Recommend to the board for adoption such measures as the city manager deems necessary or expedient;

(7) Act as budget commissioner and keep the board fully advised as to the financial condition and need of the city;

(8) Act as purchasing agent for the city and purchase all material, supplies and equipment for the proper conduct of the city's business as provided in § 6-19-104;

(9) Execute contracts on behalf of the city when this authority is delegated to the city manager by ordinance; and

(10) Perform such other duties as may be prescribed by this charter or required of the city manager by resolution or ordinance of the board.

[Acts 1921, ch. 173, art. 8, § 2; Shan. Supp., § 1997a163; Code 1932, § 3560; T.C.A. (orig. ed.), § 6-2108; Acts 1989, ch. 175, § 12; Acts 1995, ch. 13, § 11; Acts 1999, ch. 270, § 2.]

PART 2. CITY ATTORNEY

6-21-201. Qualifications.

The city attorney shall be an attorney at law entitled to practice in the courts of the state.

[Acts 1921, ch. 173, art. 19, § 1; Shan. Supp., § 1997a171; Code 1932, § 3568; T.C.A. (orig. ed.), § 6-2109.]

6-21-202. Duties and compensation.

(a) The city attorney shall:

(1) Direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts;

(2) Represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested;

(3) Attend any meetings of the board of commissioners when required by the board;

(4) Advise the board and committees or members thereof, the city manager, and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and

(5) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

(b) The city attorney shall receive a salary to be fixed by the board.

[Acts 1921, ch. 173, art. 10, § 2; Shan. Supp., § 1997a172; Code 1932, § 3569; T.C.A. (orig. ed.), § 6-2110; Acts 1990, ch. 635, § 1.]

PART 3. DEPARTMENTS GENERALLY

6-21-301. Departments of city.

That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

(1) Department of education;

(2) Department of finance;

(3) Department of public safety; and

(4) Department of public works and welfare.

[Acts 1921, ch. 173, art. 17, § 1; Shan. Supp., § 1997a224; Code 1932, § 3622; T.C.A. (orig. ed.), § 6-2111.]

6-21-302. Creation and control of departments by board.

The board of commissioners may by ordinance create new departments or combine or abolish existing departments and prescribe their duties and functions, but before doing so must receive the written recommendations of the city manager.

[Acts 1921, ch. 173, art. 17, § 2; Shan. Supp., § 1997a225; Code 1932, § 3623; T.C.A. (orig. ed.), § 6-2112; Acts 1989, ch. 175, § 13.]

6-21-303. Supervision of departments by manager.

The city manager shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter.

[Acts 1921, ch. 173, art. 17, § 3; Shan. Supp., § 1997a226; Code 1932, § 3624; T.C.A. (orig. ed.), § 6-2113.]

PART 4. CITY RECORDER

6-21-401. City recorder—Appointment.

The city manager shall appoint a city recorder, who also may be appointed to the positions of finance director or treasurer or both.

[Acts 1921, ch. 173, art. 11, §§ 1, 15; modified; Shan. Supp., §§ 1997a181, 1997a194; Code 1932, §§ 3578, 3592; T.C.A. (orig. ed.), §§ 6-2114, 6-2127; Acts 1989, ch. 175, § 14.]

6-21-402. Recorder pro tempore.

In the event of the temporary absence or disability of the recorder, the city manager may appoint a recorder pro tempore.

[Acts 1921, ch. 173, art. 11, § 16; Shan. Supp., § 1997a195; Code 1932, § 3593; T.C.A. (orig. ed.), § 6-2115.]

6-21-403. Functions at board meeting.

It is the duty of the recorder to be present at all meetings of the board of commissioners, and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

[Acts 1921, ch. 173, art. 11, § 2; Shan. Supp., § 1997a182; Code 1932, § 3579; T.C.A. (orig. ed.), § 6-2116.]

6-21-404. Custody of official records.

The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board of commissioners, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds, except the recorder's bond, which shall be in the custody of the mayor, and all other bonds, oaths and affirmations, and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and modern index thereof.

[Acts 1921, ch. 173, art. 11, § 3; Shan. Supp., § 1997a183; Code 1932, § 3580; T.C.A. (orig. ed.), § 6-2117.]

6-21-405. Copies of records and ordinances.

The recorder shall provide, and when required by any officer or person certify, copies of records, papers, and documents in the recorder's office, and charge therefor, for the use of the city, such fees as may be provided by ordinance, cause copies of ordinances to be printed, as may be directed by the board of commissioners, and keep them in the recorder's office for distribution.

[Acts 1921, ch. 173, art. 11, § 4; Shan. Supp., § 1997a184; Code 1932, § 3581; T.C.A. (orig. ed.), § 6-2118.]

PART 5. CITY COURT

6-21-501. City judges—Jurisdiction—Qualifications and compensation—Elections—Temporary replacement.

(a) There shall be a city court presided over by a city judge. The board of commissioners may appoint a city judge who shall serve at the will of the board. The city judge shall have such qualifications and receive such compensation as the board may provide by ordinance.

(b) (1) At the regular general election in August 1990, the candidate for city judge who receives the highest number of votes shall be elected to the position of city judge for a term of eight (8) years and shall be a licensed attorney authorized to practice in the courts of this state. The city judge shall be not less than thirty (30) years of age and shall be a resident of the county within which the city lies. The city judge shall receive such compensation as the board by ordinance may establish; provided, that such compensation shall not be altered for the term for which the city judge is elected.

(2) All fees shall be paid into the treasury of the city and are not to be considered as part of the compensation of the city judge. In the absence or disability of the city judge, a general sessions court judge of the county within which the city lies shall sit temporarily as city judge. Any vacancy in the office of city judge shall be filled by the board until the next regularly scheduled election is conducted.

(3) This subsection (b) is local in effect and shall become effective in a particular municipality upon the contingency of a two-thirds (⅔) vote of the legislative body of the municipality approving the provisions of this subsection (b). Unless the municipality's charter provides otherwise, by the same vote, the legislative body of the municipality may revoke the approval of the provisions of this subsection (b), and this subsection (b) shall become ineffective upon the end of the term of the city judge elected under this subsection (b).

(4) (A) This subsection (b) only applies in counties having a population in excess of two hundred fifty thousand (250,000), according to the 1980 federal census or any subsequent federal census.

(B) This subsection (b) does not apply in any county having a population greater than seven hundred seventy thousand (770,000), according to the 1980 federal census or any subsequent census.

(C) This subsection (b) shall not apply in any county having a population of not less than four hundred seventy thousand (470,000) nor more than four hundred eighty thousand (480,000), according to the 1980 federal census of population or any subsequent federal census.

(c) If a city judge is unable to preside over city court for any reason, then, to the extent a general sessions court judge agrees to serve temporarily as city judge, the judge shall appoint a general sessions judge of the county within which the city lies to sit in the city judge's stead. If there is not a general sessions judge available, then the city judge shall appoint an attorney, meeting the same qualifications as a general sessions judge, to sit temporarily.

[Acts 1921, ch. 173, art. 9, § 1; Shan. Supp., § 1997a164; Code 1932, § 3561; T.C.A. (orig. ed.), § 6-2119; Acts 1965, ch. 330, § 1; Acts 1979, ch. 309, § 1; Acts 1981, ch. 176, § 1; Acts 1982, ch. 888, § 1; Acts 1982, ch. 889, § 1; Acts 1989, ch. 191, § 1; Acts 1989, ch. 520, §§ 1, 2, 4-6; Acts 1990, ch. 622, § 1; Acts 1996, ch. 633, § 1; Acts 2004, ch. 914, § 6; Acts 2011, ch. 453, § 7.]

6-21-502. Power to enforce ordinances.

(a) The city judge has the power and authority to:

(1) Impose fines, costs, and forfeitures, and punish by fine for violations of city ordinances;

(2) Preserve and enforce order in such city judge's court;

(3) Enforce the collection of all such fines, costs, and forfeitures imposed by such city judge; and

(4) (A) In default of payment, or of good and sufficient security given for the payment of such fines, costs or forfeitures imposed by such city judge, if:

(i) The city court has concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order in accordance with § 40-24-104 which, in accordance with such section, may include imprisonment until the fine, costs or forfeitures, or any portion

of it, is paid. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense or violation.

(ii) The city court does not have concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order for contempt of court for the payment of the fine in the amount established pursuant to § 16-18-306.

(B) Fines may be paid in installments in the manner provided by ordinance or in accordance with § 40-24-104. Any court is authorized to enforce the collection of unpaid fines or forfeitures as a judgment in a civil action in any court with competent jurisdiction in accordance with § 40-24-105. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

(b) The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

[Acts 1921, ch. 173, art. 9, § 2; Shan. Supp., § 1997a165; Code 1932, § 3562; T.C.A. (orig. ed.), § 6-2120; Acts 1965, ch. 330, § 2; Acts 1989, ch. 175, § 15; Acts 1995, ch. 13, § 12; Acts 2011, ch. 453, § 8.]

6-21-503. Docket.

The city judge shall keep, or cause to be kept, a court docket or dockets embodying complete detailed records of all cases handled by the city judge.

[Acts 1921, ch. 173, art. 9, § 7; Shan. Supp., § 1997a170; Code 1932, § 3567; T.C.A. (orig. ed.), § 6-2121; Acts 1965, ch. 330, § 2.]

6-21-504. Arrest warrant.

(a) Only one (1) warrant shall be issued for the same offense, the warrant to embrace all of the parties charged with the same offense.

(b) No arrest shall be made, except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony.

(c) The affidavit upon which the warrant is issued shall especially state the offense charged.

[Acts 1921, ch. 173, art. 9, § 4; Shan. Supp., § 1997a167; Code 1932, § 3564; T.C.A. (orig. ed.), § 6-2122.]

6-21-505. Appearance bond.

Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer, and no warrant has been issued or served, such person may execute an appearance bond in an amount not exceeding fifty dollars ($50.00), and file same with a police desk sergeant, or may, in lieu of the execution of an appearance bond, deposit a sum not exceeding fifty dollars ($50.00), with a police desk sergeant and be given a receipt for same, and, on the appearance of such person before the city court at the time specified in the receipt, such deposit shall be returned to that person. On the failure of such person to appear at the time specified, the amount so deposited shall be forfeited to the municipality and such person shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, that within two (2) days of the imposition of the forfeiture, the city judge shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend such accused's suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture.

[T.C.A. (orig. ed.), § 6-2123; Acts 1953, ch. 196, § 1; Acts 1965, ch. 330, § 2.]

6-21-506. Disposition of fines and labor.

(a) All fines imposed by the city judge for violations of city ordinances shall belong to and be paid into the treasury of the city.

(b) Any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city manager.

[Acts 1921, ch. 173, art. 9, § 5; Shan. Supp., § 1997a168; Code 1932, § 3565; T.C.A. (orig. ed), § 6-2124; Acts 1965, ch. 330, § 2.]

6-21-507. Collection of fines and cost.

(a) The city judge, in all cases heard or determined by such city judge for offenses against the corporate laws and ordinances, shall set and collect municipal court costs in accordance with the provisions of § 16-18-304, shall levy and collect the litigation tax in accordance with the provisions of § 16-18-305 and, in addition, shall add thereto one dollar ($1.00), as a tax on all such cases. The city judge shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by the city judge for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. It is the duty of the city judge to collect and receipt for all fines imposed by the city judge, and the city judge shall render a monthly report to the board of commissioners of all costs and fines collected and of all assessed and uncollected.

(b) It is unlawful for any other person or officer to collect or receipt for such fines, costs, and recoveries, but the city judge may authorize the chief of police to collect and receipt for fines and costs.

[Acts 1921, ch. 173, art. 9, § 6; Shan. Supp., § 1997a169; Code 1932, § 3566; T.C.A. (orig. ed.), § 6-2125; Acts 1965, ch. 330, § 2; impl. am. Acts 1979, ch. 68, §§ 2, 3; Acts 2004, ch. 914, § 6.]

6-21-508. Appeal from city judge's judgment.

Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined by the city judge, may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the city judge for such person's appearance or the faithful prosecution of the appeal; provided, that in prosecutions for violations of the city ordinances, the bond shall not exceed two hundred fifty dollars ($250).

[Acts 1921, ch. 173, art. 9, § 3; Shan. Supp., § 1997a166; Code 1932, § 3563; T.C.A. (orig. ed.), § 6-2126; Acts 1965, ch. 330, § 2; Acts 1969, ch. 287, § 1.]

PART 6. POLICE

6-21-601. Appointment.

The city manager shall appoint a chief of police and such patrol officers and other members of the police force as may be provided by ordinance.

[Acts 1921, ch. 173, art. 18, § 1; Shan. Supp., § 1997a227; Code 1932, § 3625; T.C.A. (orig. ed.), § 6-2128.]

6-21-602. Duties.

It is the duty of the chief of police and the members of the police force to:

(1) Preserve order in the city;

(2) Protect the inhabitants and property owners therein from violence, crime, and all criminal acts;

(3) Prevent the commission of crime, violations of law and of the city ordinances; and

(4) Perform a general police duty, execute and return all processes, notices, and orders of the mayor, city manager, city attorney, and recorder, and all other processes, notices, and orders as provided in this charter or by ordinance.

[Acts 1921, ch. 173, art. 18, § 2; Shan. Supp., § 1997a228; Code 1932, § 3626; T.C.A. (orig. ed.), § 6-2129.]

6-21-603. Emergency assistance to police.

In time of riot or other emergency, the mayor or city manager shall have power to summon any number of inhabitants to assist the police force.

[Acts 1921, ch. 173, art. 18, § 3; Shan. Supp., § 1997a229; Code 1932, § 3627; T.C.A. (orig. ed.), § 6-2130.]

6-21-604. Duties in prosecution of violations.

Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

[Acts 1921, ch. 173, art. 18, § 4; Shan. Supp., § 1997a230; Code 1932, § 3628; T.C.A. (orig. ed.), § 6-2131.]

6-21-605. [Repealed.]

PART 7. FIRE DEPARTMENT

6-21-701. Appointment.

The city manager shall appoint a chief of the fire department and such other members of the department as may be provided by ordinance.

[Acts 1921, ch. 173, art. 19, § 1; Shan. Supp., § 1997a232; Code 1932, § 3630; T.C.A. (orig. ed.), § 6-2133.]

6-21-702. Duties.

It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention and suppression.

[Acts 1921, ch. 173, art. 19, § 2; Shan. Supp., § 1997a233; Code 1932, § 3631; T.C.A. (orig. ed.), § 6-2134.]

6-21-703. Emergency powers.

(a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to § 68-102-108 is requested to respond to a fire, hazardous materials incident, natural disaster, service call, or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the chief of the responding fire department or company, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

(1) Control and direct the activities at the scene of the emergency;

(2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;

(3) Blockade any public highway, street or private right-of-way temporarily while at such scene;

(4) Trespass at any time of the day or night without liability while at such scene;

(5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;

(6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order disengagement or discouplement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

(b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs.

[Acts 1921, ch. 173, art. 19, § 3; Shan. Supp., § 1997a234; Code 1932, § 3632; T.C.A. (orig. ed.), § 6-2135; Acts 1975, ch. 166, § 2; Acts 1993, ch. 171, § 1.]

6-21-704. Fire marshal.

The city manager may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

[Acts 1921, ch. 173, art. 19, § 4; Shan. Supp., § 1997a235; Code 1932, § 3633; T.C.A. (orig. ed.), § 6-2136.]

PART 8. SCHOOLS

6-21-801. Authority of city manager.

The city manager of any municipality incorporated under chapters 18—22 of this title has full power to manage and control the public or city schools.

[Acts 1921, ch. 173, art. 20, § 1; modified; Shan. Supp., § 1997a236; Code 1932, § 3634; T.C.A. (orig. ed.), § 6-2137; Acts 1955, ch. 121, § 2.]

6-21-802. Officers and employees.

The city manager shall appoint, prescribe the duties and powers of, and fix the salary of the director of schools of the city and appoint, fix the salaries of, and have power to remove, all other officers and all teachers, agents, and employees of the department of education.

[Acts 1921, ch. 173, art. 20, § 2; Shan. Supp., § 1997a237; Code 1932, § 3635; T.C.A. (orig. ed.), § 6-2138; Acts 1955, ch. 121, § 2.]

6-21-803. Building plans.

All plans for the erection or improvement of school buildings or other buildings used for educational purposes shall be subject to the approval of the city manager.

[Acts 1921, ch. 173, art. 20, § 4; Shan. Supp., § 1997a239; Code 1932, § 3637; T.C.A. (orig. ed), § 6-2140; Acts 1955, ch. 121, § 2.]

6-21-804. Equipment and supplies.

All materials, supplies, and equipment for educational purposes shall be purchased by the city manager.

[Acts 1921, ch. 173, art. 20, § 5; Shan. Supp., § 1997a240; Code 1932, § 3638; T.C.A. (orig. ed.), § 6-2141; Acts 1955, ch. 121, § 2.]

6-21-805. State and county school funds.

In apportioning the state and county school funds of the county, the county board of education, or other apportioning and disbursing body, shall apportion and pay over to the treasurer of the city such portion of the state and county school funds as by law is applicable to the schools within the limits of the city.

[Acts 1921, ch. 173, art. 20, § 6; Shan. Supp., § 1997a241; Code 1932, § 3639; T.C.A. (orig. ed.), § 6-2142; Acts 1955, ch. 121, § 2.]

6-21-806. Disbursement from school fund.

The board of commissioners shall provide by ordinance for the manner in which the state, county, and city taxes apportioned to the school fund shall be paid over by the city treasurer.

[Acts 1921, ch. 173, art. 20, § 7; Shan. Supp., § 1997a242; Code 1932, § 3640; T.C.A. (orig. ed.), § 6-2143; Acts 1955, ch. 121, § 2.]

6-21-807. Board of education—Election—Powers.

(a) The provisions of §§ 6-21-801 and 6-21-802 notwithstanding, the board of commissioners, by ordinance, may delegate the power to manage and control the city public schools to an elected board of education.

(b) The board of education shall have the same number of members as the board of commissioners and shall be elected on the same day and in the same manner as the board of commissioners.

(c) If the board of commissioners is elected by district, the board of education shall also be elected by district.

(d) The board shall exercise the power otherwise granted to the city manager in this part.

[Acts 1989, ch. 175, § 18.]

CHAPTER 22. FISCAL AFFAIRS UNDER CITY MANAGER-COMMISSION CHARTER

6-22-101. Duties of finance director.

The city manager or an officer appointed by the city manager shall serve as finance director and shall:

(1) Exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition of such property, assets and claims;

(2) Be the general accountant and auditor of the city;

(3) Have custody of all records, papers, and vouchers relating to the fiscal affairs of the city, and the records in the city manager's office shall show the financial operations and conditions, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested;

(4) Require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the city manager by the several departments and officers of the city, including all deputies or employees of the city manager's department charged with the collection or expenditures of money, and shall control and audit the same; and

(5) At least monthly, adjust the settlements of officers engaged in the collection of the revenue.

[Acts 1921, ch. 173, art. 11, § 5; Shan. Supp., § 1997a185; Code 1932, § 3582; T.C.A. (orig. ed.), § 6-2201; Acts 1989, ch. 175, § 19.]

6-22-102. Taxes and assessments under department of finance.

The assessment, levy, and collection of taxes and special assessments shall be in the charge of the department of finance, subject to the limitations elsewhere found in this charter.

[Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a196; Code 1932, § 3594; T.C.A. (orig. ed.), § 6-2202.]

6-22-103. Property and privileges taxable.

All property, real, personal and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes as provided in this chapter.

[Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a197; Code 1932, § 3595; T.C.A. (orig. ed.), § 6-2203.]

6-22-104. Ad valorem tax.

The ad valorem tax upon the stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchant's ad valorem tax is assessed upon the same property. It is the duty of the county assessor of property and the comptroller of the treasury to prepare a separate assessment book or roll showing real, personal and mixed property assessable by the county assessor of property or the comptroller of the treasury lying within the limits of the city.

[Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a198; Code 1932, § 3596; T.C.A. (orig. ed.), § 6-2204; impl. am. Acts 1955, ch. 69, § 1; Acts 1995, ch. 305, § 70.]

6-22-105. Certification of assessments.

The records referenced in § 6-22-104 shall be certified to the finance director of the city upon the completion of the work of the boards of equalization, after they have been copied by the county clerk or the department of revenue.

[Acts 1921, ch. 173, art. 12, § 1; modified; Shan. Supp., § 1997a199; Code 1932, § 3597; T.C.A. (orig. ed.), § 6-2205; impl. am. Acts 1959, ch. 9, § 14; impl. am. Acts 1978, ch. 934, §§ 22, 36; Acts 1989, ch. 175, § 20.]

6-22-106. Tax books.

(a) As soon as practicable in each year after the assessment books for the state and county are complete, which shall be after boards of equalization provided for by general laws shall have finished their work, it is the duty of the finance director to prepare or cause to be prepared, from the assessment books of the county and of the comptroller of the treasury, a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city.

(b) Such tax books, when certified to be true, correct and complete by the finance director, shall be the assessment for taxes in the city for all municipal purposes; provided, that there may be an assessment by the finance director at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. Instead of the assessment made by county and state officials as provided in this section, the city may, by ordinance insofar as not prohibited by general laws, provide for and regulate an assessment to be made by its own assessor of property.

[Acts 1921, ch. 173, art. 12, § 2; Shan. Supp., § 1997a201; Code 1932, § 3599; T.C.A. (orig. ed.), § 6-2206; impl. am. Acts 1955, ch. 69, § 1; Acts 1989, ch. 175, § 20; Acts 1995, ch. 305, § 71.]

6-22-107. Statement of taxable property—Tax levy.

(a) It is the duty of the finance director, in each year, as soon as the assessment roll for the city is complete, to submit to the board of commissioners a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits, including the assessment of all railroads, telephone, telegraph, and other public utility properties, together with a certified statement of the revenue derived by the city from privilege taxes, merchant's ad valorem taxes, street labor taxes, fines for the preceding fiscal year, and miscellaneous revenue.

(b) Upon the presentation of such statements by the finance director, the board shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year.

[Acts 1921, ch. 173, art. 10, § 3; Shan. Supp., § 1997a173; Code 1932, § 3570; T.C.A. (orig. ed.), § 6-2207; Acts 1989, ch. 175, § 20.]

6-22-108. Effective date of levy.

The board of commissioners of the city shall have full power to levy and collect taxes as of January 10 of each and every year.

[Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a200; Code 1932, § 3598; T.C.A. (orig. ed.), § 6-2208.]

6-22-109. Extension of levy on tax books.

It is the duty of the finance director, immediately after the levy of taxes by the board of commissioners, to cause the levy to be extended upon the tax book prepared by the finance director in the same manner that extensions are made upon the tax books in the hands of the county trustee.

[Acts 1921, ch. 173, art. 10, § 4; Shan. Supp., § 1997a174; Code 1932, § 3571; T.C.A. (orig. ed.), § 6-2210; Acts 1989, ch. 175, § 20.]

6-22-110. Due date of taxes—Tax collector—Distress warrants.

(a) All taxes due the city, except privilege and merchant's ad valorem taxes and street labor taxes, shall, until otherwise provided by ordinance, be due and payable on November 1 of the year for which the taxes are assessed.

(b) The treasurer shall be custodian of the tax books and shall be the tax collector of the city.

(c) Distress warrants may issue for the collection of taxes and any such distress warrant shall be executed by the chief of police or any police officers of the city by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of courts of general sessions.

[Acts 1921, ch. 173, art. 10, § 5; Shan. Supp., § 1997a175; Code 1932, § 3572; T.C.A. (orig. ed.), § 6-2211.]

6-22-111. Tax liens—Errors and irregularities in assessment.

(a) All municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on such realty from and after January 1 of the year for which same are assessed, superior to all other liens, except the liens of the United States, the state of Tennessee and the county, for taxes legally assessed thereon, with which it shall be a lien of equal dignity.

(b) No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named nor the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid.

(c) The board of commissioners shall have power to correct any errors in the tax assessments upon a certificate filed by the assessor of property or assessing body.

[Acts 1921, ch. 173, art. 10, § 6; Shan. Supp., § 1997a176; Code 1932, § 3573; T.C.A. (orig. ed.), § 6-2212; Acts 1974, ch. 771, § 3.]

6-22-112. Delinquency penalties—Discount for early payment.

(a) On December 1 of the year for which the taxes are assessed, or other date provided by ordinance, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of two percent (2%) shall be added for each month thereafter for twelve (12) months.

(b) If any taxpayer elects to pay such taxpayer's taxes prior to October 1, that taxpayer shall be entitled to a discount of two percent (2%) from the amount of the taxpayer's bill.

[Acts 1921, ch. 173, art. 10, § 7; Shan. Supp., § 1997a177; Code 1932, § 3574; T.C.A. (orig. ed.), § 6-2213.]

6-22-113. Change of due date—Semiannual installments.

(a) The board of commissioners may, by ordinance passed by unanimous vote, change the due date and delinquent date of all taxes, and may provide for the semiannual payment of taxes and a discount for the prompt payment of such taxes.

(b) In case a semiannual installment of taxes is made due and payable before the assessment and levy of taxes in the city for the current year is complete, the amount of the installment so collected as a tax upon any property shall be not more than fifty percent (50%) of the taxes levied on the property for the preceding year, such installment to be credited on the current year's taxes when determined and levied.

[Acts 1921, ch. 173, art. 10, § 8; Shan. Supp., § 1997a178; Code 1932, § 3575; T.C.A. (orig. ed.), § 6-2214.]

6-22-114. Sale of real property for delinquency.

The finance director shall, under the provisions of the state law for the collection of delinquent taxes, certify to the trustee of the county a list of all real estate upon which municipal taxes remain due and unpaid, or that is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes.

[Acts 1921, ch. 173, art. 10, § 9; Shan. Supp., § 1997a179; Code 1932, § 3576; T.C.A. (orig. ed.), § 6-2215; Acts 1989, ch. 175, § 20.]

6-22-115. Complaints in chancery to collect special assessments.

The board of commissioners has the power, and is hereby given authority, to file complaints in the chancery court in the name of the city for the collection of assessments and levies made for payment for improvements or service in the city, such as paving, sidewalks, curbing, guttering, sewers and other improvements, or services for which assessments may be made under the charter, or by any other acts of the general assembly, and the cost of which is made a charge on property owners abutting the improvements and a lien on abutting property. The suits commenced by such complaints shall be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same. The complaints shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as provided in this section, and on whose property the assessment or levy is a lien, shall be made parties defendant to one (1) complaint.

[Acts 1921, ch. 173, art. 10, § 10; Shan. Supp., § 1997a180; Code 1932, § 3577; T.C.A. (orig. ed.), § 6-2216.]

6-22-116. License taxes.

(a) License taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

(b) The treasurer shall enforce the collection of merchants' taxes and all other license taxes, and for that purpose have and exercise the powers of law vested in, and follow the procedure and methods prescribed for, county clerks.

[Acts 1921, ch. 173, art. 13, § 1; Shan. Supp., § 1997a204; Code 1932, § 3602; T.C.A. (orig. ed.), § 6-2217; impl. am. Acts 1978, ch. 934, §§ 22, 36.]

6-22-117. Accounting system.

The finance director, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained.

[Acts 1921, ch. 173, art. 11, § 6; Shan. Supp., § 1997a185; Code 1932, § 3583; T.C.A. (orig. ed.), § 6-2218; Acts 1989, ch. 175, § 20.]

6-22-118. Fiscal forms.

The finance director shall cause all forms used in connection with either the receipt or disbursement of city funds to be numbered consecutively, and shall account for all spoiled or unused forms.

[Acts 1921, ch. 173, art. 11, § 14; Shan. Supp., § 1997a193; Code 1932, § 3591; T.C.A. (orig. ed.), § 6-2219; Acts 1989, ch. 175, § 20.]

6-22-119. Appointment and duties of treasurer.

(a) The city manager shall appoint a treasurer.

(b) It is the duty of the treasurer to collect, receive and receipt for the taxes and all other revenue and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

(c) The city manager may appoint the recorder as treasurer.

[Acts 1921, ch. 173, art. 11, § 7; Shan. Supp., § 1997a186; Code 1932, § 3584; T.C.A. (orig. ed.), § 6-2220.]

6-22-120. Depositories of municipal funds.

Depositories of the municipal funds shall be designated by ordinance. The board shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under title 9, chapter 4, parts 1 and 4, or as provided in a collateral pool created under title 9, chapter 4, part 5.

[Acts 1921, ch. 173, art. 11, § 13; Shan. Supp., § 1997a192; Code 1932, § 3590; T.C.A. (orig. ed.), § 6-2221; Acts 1977, ch. 80, § 1; Acts 1989, ch. 175, § 21; Acts 1994, ch. 752, § 5.]

6-22-121. Budget commissioner—Fiscal year.

(a) The city manager shall be budget commissioner.

(b) The fiscal year of the city shall begin on July 1, unless otherwise provided by ordinance.

[Acts 1921, ch. 173, art. 16, § 1; Shan. Supp., § 1997a218; Code 1932, § 3616; T.C.A. (orig. ed.), § 6-2222; Acts 1989, ch. 175, § 22.]

6-22-122. Budget estimate submitted to commissioners.

The city manager shall, on or before May 15 of each year, submit to the board of commissioners an estimate of the expenditures and revenue of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager.

[Acts 1921, ch. 173, art. 16, § 1; Shan. Supp., §§ 1997a219, 1997a220; Code 1932, §§ 3617, 3618; T.C.A. (orig. ed.), § 6-2223; Acts 1989, ch. 175, § 23.]

6-22-123. [Repealed.]

6-22-124. Appropriation ordinance—Amendments.

(a) Upon receipt of the estimate provided for in § 6-22-122, the board of commissioners shall prepare a tentative appropriation ordinance.

(b) The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year.

(c) Amendments may be made to the original appropriations ordinance at any time during a current fiscal year; provided, however, that, except for emergency expenditures under § 6-22-129, increased appropriations may be made only after the city manager has certified in writing that sufficient unappropriated revenue will be available.

[Acts 1921, ch. 173, art. 16, § 2; Shan. Supp., § 1997a222; Code 1932, § 3620; T.C.A. (orig. ed.), § 6-2225; Acts 1989, ch. 175, § 24; Acts 1992, ch. 760, § 4; Acts 1995, ch. 13, § 13.]

6-22-125. Reversion of appropriations to general fund.

At the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them is necessary.

[Acts 1921, ch. 173, art. 16, § 3; Shan. Supp., § 1997a223; Code 1932, § 3621; T.C.A. (orig. ed.), § 6-2226.]

6-22-126. Approval of claims against city.

(a) Except as by this charter or by law or ordinance otherwise provided, the finance director shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The finance director shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by the finance director, but no payroll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the city manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury.

(b) Whenever any claim is presented to the city finance director, the finance director shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose may summon before such finance director any officer, agent or employee of any department of the municipality, or any other person, and examine the officer, agent or employee upon oath or affirmation relative thereto.

(c) The city manager, finance director and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

[Acts 1921, ch. 173, art. 11, § 8; Shan. Supp., § 1997a187; Code 1932, § 3585; T.C.A. (orig. ed.), § 6-2227; Acts 1989, ch. 175, § 20.]

6-22-127. Issuance of warrants.

(a) Subject to § 6-22-126, warrants shall be issued by the finance director.

(b) Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

(c) Any officer or employee in the finance director's office may be designated by such finance director to draw warrants with the same effect as if signed by the finance director, such designation to be in writing, in duplicate, filed with the city manager. The city manager may make such designation if the finance director is absent or disabled and there is no one in the finance director's office designated to act. Any such designation may be revoked by the finance director while acting as such by filing the revocation in duplicate with the city manager and the treasury division.

[Acts 1921, ch. 173, art. 11, § 9; Shan. Supp., § 1997a188; Code 1932, § 3586; T.C.A. (orig. ed.), § 6-2228; Acts 1989, ch. 175, § 20.]

6-22-128. Certification of availability of funds to meet contract obligations.

No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the board of commissioners or be authorized by any officer of the city, unless the finance director shall first certify to the board or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury or safely assured to be forthcoming and available in time to comply with, or meet such contract, agreement, obligation or expenditures; and no contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds.

[Acts 1921, ch. 173, art. 11, § 10; Shan. Supp., § 1997a189; Code 1932, § 3587; T.C.A. (orig. ed.), § 6-2229; Acts 1989, ch. 175, § 20.]

6-22-129. Emergency expenditures.

No contract liability shall be incurred without previous authority of law or ordinance, but the board of commissioners may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in the ordinance; provided, that any such liability shall mature not later than one (1) year from the date of its incurrence.

[Acts 1921, ch. 173, art. 11, § 11; Shan. Supp., § 1997a190; Code 1932, § 3588; T.C.A. (orig. ed.), § 6-2230.]

6-22-130. Annual operating budget—Publication—Budgetary comparison.

(a) Notwithstanding the provisions of any other law to the contrary, the governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year's actual figures and the current year's estimated figures, which information shall include the following:

(1) Revenues and expenditures for the following governmental funds: general, streets/public works, general purpose school and debt service;

(2) Revenues for each fund shall be listed separately by local taxes, state of Tennessee, federal government and other sources;

(3) Expenditures for each fund shall be listed separately by salaries and other costs;

(4) Beginning and ending fund balances shall be shown for each fund; and

(5) The number of full-time equivalent employee positions shall be shown for each fund.

(b) The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

[Acts 1991, ch. 484, § 9; Acts 1992, ch. 760, § 5.]

CHAPTER 23. BONDS UNDER CITY MANAGER-COMMISSION CHARTER

CHAPTERS 24—29. [RESERVED.]

Title 1 GENERAL ADMINISTRATION[1]

CHAPTER 1. GOVERNING BODY[2]

1-101. Time and place of regular meetings.

The board of commissioners shall hold regular monthly meetings at 5:30 p.m. on the third Tuesday of each month at the Lakesite Municipal Building located on 9201 Rocky Point Road, Lakesite, Tennessee. This chapter shall not affect special called meetings as stated in T.C.A. § 6-20-208.

(1972 Code, § 1-101, as amended by Ord. #2, Dec. 1973, Ord. #143, Aug. 2003; Ord. #278 , Sept. 2020)

1-102. Order of business.

At each meeting of the board of commissioners, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

(1) Call to Order.

(2) Invocation and Pledge of Allegiance.

(3) Roll call.

(4) Approval of minutes.

(5) Communications.

---

[1]Charter reference(s)—See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Cross reference(s)—
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Water and sewers: title 18.
Zoning: title 14.

[2]Charter reference(s)—For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:
Appointment and removal of city judge: 6-21-501.
Appointment and removal of city manager: 6-21-101.
Compensation of city attorney: 6-21-202.
Creation and combination of departments: 6-21-302.
Subordinate officers and employees: 6-21-102.
Taxation
Power to levy taxes: 6-22-108.
Change tax due dates: 6-22-113.
Power to sue to collect taxes: 6-22-115.
Removal of mayor and commissioners: 6-20-220.

(6) Committee reports.

(7) Old business.

(8) New business.

(9) Adjournment.

(1972 Code, § 1-102, as amended by Ord. # 266 , March 2019)

1-103. General rules of order.

The rules of order and parliamentary procedure contained in the most recent version of Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the city charter or this code, unless and except as the board of commissioners shall by implied but unanimous consent continue to conduct meetings by a less formal utilization of Robert's Rules of Order and unless the mayor or chair of any such meeting and/or any one (1) or more of such Commissioners shall call for formal invocation of Robert's Rules of Order.

(1972 Code, § 1-103, modified; as amended by Ord. No. 299 , § 1, 7-18-2023)

1-104. Number of members of city commission to be five (5).

The number of members composing the City Commission of the City of Lakesite, Tennessee, shall be five (5), as provided in Tennessee Code Annotated § 6-20-101, and with terms as set out therein.

This section shall take effect from and after the date of approval by a majority of the voters in the next regularly called city election following passage of this section by the city commission, said procedure being in accord with that set out in said section 6-20-101 of the Tennessee Code Annotated.

(Ord. #74, Jan. 1994)

1-105. Date of city election and transitional elections.

(1) The length of the term of the incumbents from the March 2000 election shall be extended until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2004, or until their successors are elected and qualified.

(2) At the general election to be held on the first Tuesday after the first Monday in November, 2004, and at the election held every four (4) years after that date, the voters of the city shall elect three (3) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified.

(3) The length of the term of the incumbents from the May 2002 election shall be extended until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2006, or until their successors are elected and qualified.

(4) At the general election to be held on the first Tuesday after the first Monday in November, 2006, and at the election held every four (4) years after that date, the voters of the city shall elect two (2) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified.

(as added by Ord. #142, July 2003)

1-106. Salaries of mayor and commissioners.

(1) *Commissioners.* Each commissioner of the city shall receive a sum of four hundred fifty dollars ($450.00) per month, which amount is payable from the funds of the city.

(2) *Mayor.* The mayor of the city shall receive a sum of five hundred dollars ($500.00) per month, which amount is payable from the funds of the city.

(as added by Ord. #228, Aug. 2013)

CHAPTER 2. RECORDER[3]

1-201. To keep minutes, etc.

The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book.

(1972 Code, § 1-302)

1-202. To perform general clerical duties, etc.

The recorder shall perform all clerical duties for the board of commissioners for the city manager, and for the municipality which are not expressly assigned by the charter, this code, or the city manager to another corporate officer. He shall also have custody of, and be responsible for, maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide.

(1972 Code, § 1-303)

1-203. To be bonded.

The recorder shall be bonded in the sum of five thousand dollars ($5,000.00), with surety acceptable to the governing body, before assuming the duties of his office.

(1972 Code, § 1-301)

CHAPTER 3. CODE OF ETHICS

1-301. Applicability.

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

(as added by Ord. #172, March 2007)

[3]Charter reference(s)—For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.

1-302. Definition of "personal interest."

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

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

(as added by Ord. #172, March 2007)

1-303. Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

(as added by Ord. #172, March 2007)

1-304. Disclosure of personal interest in non-voting matters.

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

(as added by Ord. #172, March 2007)

1-305. Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

(as added by Ord. #172, March 2007)

1-306. Use of information.

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

(as added by Ord. #172, March 2007)

1-307. Use of municipal time, facilities, etc.

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

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

(as added by Ord. #172, March 2007)

1-308. Use of position or authority.

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

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

(as added by Ord. #172, March 2007)

1-309. Outside employment.

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

(as added by Ord. #172, March 2007)

1-310. Ethics complaints.

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

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

(as added by Ord. #172, March 2007)

1-311. Violations.

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

(as added by Ord. #172, March 2007)

CHAPTER 4. RESERVED

(as deleted by Ord. #249, April 2017)

Title 2 BOARDS AND COMMISSIONS, ETC.

CHAPTER 1. RESERVED

CHAPTER 2. PARKS AND RECREATION ADVISORY BOARD

2-201. Creation.

There is hereby created a park and recreation advisory board. Said board shall have all duties and powers pursuant to Tennessee Code Annotated, title 11, chapter 24, and shall be an advisory board.

(as added by Ord. No. 302 , § 1, 9-19-2023)

2-202. Membership and compensation.

The advisory board shall consist of a minimum of three (3) persons and a maximum of five (5) persons, to be appointed by the mayor, to serve for terms of three (3) years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the board shall serve without pay. Vacancies in such board or commission occurring otherwise than by expiration of term shall be filled only for the unexpired term, and such appointment shall be filled by the mayor.

(as added by Ord. No. 302 , § 1, 9-19-2023)

2-203. Members; terms of members.

Appointments to serve on this board shall be as outlined below:

(1) Member One (one (1) year);

(2) Member Two (two (2) years);

(3) Member Three (three (3) years);

(4) Member Four (four (4) years); and

(5) Member Five (five (5) years).

The city commissioner for parks and recreation, city manager, building and codes enforcement officer and building maintenance official shall serve as ex officio members.

(as added by Ord. No. 302 , § 1, 9-19-2023)

2-204. Powers and duties.

The board shall study the operation and maintenance of city parks, the development of future sites, assist with the planning and facilitation of city events and other matters relating to the establishment and maintenance of the city's recreation systems and facilities. The board shall not be responsible for the supervision of staff, the hiring or dismissal of staff, the expenditure of public funds or the promulgation or enforcement of rules and regulations governing parks and recreation facilities or programs. However, the board may advise the city commission on any of these matters and act on behalf of the governing body, on a case-by-case basis, if so, authorized by the city commission.

(as added by Ord. No. 302 , § 1, 9-19-2023)

2-205. Organization and meetings.

The board shall elect from its voting members a chairman, a vice-chairman, and a secretary. The terms of office shall be for one (1) year with eligibility for re-election. The board shall adopt rules, regulations, and by-laws for the performance and discharge of its duties and objectives. All officers, departments, committees, boards, and commissions of the city shall render reasonable and necessary assistance to the board. The board shall meet in regular session at least two (2) times a year, but may meet more frequently as necessary. Agendas are to be given to the city recorder in order for the meeting to be posted properly in accordance with Tennessee Code Annotated § 8-44-101, et. seq. Called meetings of the board shall be determined by the chairman or a majority of the voting membership. In accordance with Tennessee Code Annotated, § 8-44-101, et. seq. all meetings are open to the public.

(as added by Ord. No. 302 , § 1, 9-19-2023)

2-106. Communications, meeting minutes and actions.

All communications between board members, board members and the public and/or the city commission shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated § 10-7-101 et. seq. All records of proceedings, meeting minutes and actions shall be public and forwarded to the office of the city recorder.

(as added by Ord. No. 302 , § 1, 9-19-2023)

Title 3 MUNICIPAL COURT[1]

CHAPTER 1. CITY COURT

3-101. City judge.

The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge.

[1]Charter reference(s)—For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5.
For specific charter provisions in part 5 related to the following subjects, see the sections indicated:
City judge:
Appointment and term: 6-21-501.
Jurisdiction: 6-21-501.
Qualifications: 6-21-501.
City court operations:
Appeals from judgment: 6-21-508.
Appearance bonds: 6-21-505.
Arrest warrants: 6-21-504.
Docket maintenance: 6-21-503.
Fines and costs:
Amounts: 6-21-502, 6-21-507.
Collection: 6-21-507.
Disposition: 6-21-506.

(1972 Code, § 1-501)

3-102. Maintenance of docket.

The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant.

(1972 Code, § 1-502)

3-103. Issuance of arrest warrants.

The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

(1972 Code, § 1-503)

State law reference(s)—For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

3-104. Issuance of summonses.

When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

(1972 Code, § 1-504)

Cross reference(s)—Issuance of citations in lieu of arrest by public officer in traffic cases: title 15, chapter 7.

3-105. Issuance of subpoenas.

The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

(1972 Code, § 1-505)

3-106. Trial and disposition of cases.

Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court.

(1972 Code, § 1-506)

3-107. Appearance bonds authorized.

When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

(1972 Code, § 1-507)

3-108. Imposition of fines and costs.

All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases.

(1972 Code, § 1-508)

3-109. Appeals.

Any defendant who is dissatisfied with any judgment of the city court against him may, within two (2) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.

(1972 Code, § 1-509)

State law reference(s)—Tennessee Code Annotated, § 27-5-101.

3-110. Bond amounts, conditions, and forms.

An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable.

(1972 Code, § 1-510)

3-111. Disposition and report of fines and costs.

All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year.

(1972 Code, § 1-511)

3-112. Disturbance of proceedings.

It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

(1972 Code, § 1-512)

3-113. Court costs.

In all cases heard or determined the city judge shall tax in the bill of costs municipal court fees and court costs in the amount of the maximum amount(s), authorized by Tennessee Code Annotated, § 8-21-401 but not to exceed the total sum of sixty-one dollars ($61.00), in addition to all applicable litigation taxes and specific fees required to be imposed on specific cases. Of the above court fees, one dollar ($1.00), on municipal code violations shall be sent to the state for municipal court training as required by Tennessee Code Annotated, § 16-18-304.

(as added by Ord. #179, Feb. 2008)

Title 4 MUNICIPAL PERSONNEL

CHAPTER 1. TRAVEL REIMBURSEMENT REGULATIONS

4-101. Travel away from the city.

(1) All travel of more than fifty (50) miles away from the city must be approved in advance by the chief executive officer. If private automobiles are used, employees will be reimbursed at rates established and modified from time to time by the standard allowable U. S. Internal Revenue Service (IRS) rate for automobile use.

(2) City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the city, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Tips, not to exceed fifteen percent (15%), for meals, taxis, or baggage handling are reimbursable.

(3) Requests for reimbursement, including receipts, shall be submitted with an expense report form signed by the person seeking reimbursement and the city manager.

(4) The city may provide city personnel a credit card to use for travel expenses. If a credit card is provided, the traveler must provide documentation for each charge made on it.

(as added by Ord. #184, June 2008)

4-102. Vehicle use policy.

(1) *Statement of policy.* Generally, only city employees, members of the governing board, members of boards and committees appointed by the mayor or board engaged in the transportation of city personnel and/or material and supplies used to carry out the functions and operations of the department of the city, and for which the immediate use of a vehicle is actually necessary or convenient, shall drive or ride in the city-owned vehicles or use city-owned equipment.

(2) [*Exceptions.*] The following are exceptions to the above general policy:

(a) In emergencies where the city employee has a reasonable belief, based on a totality of circumstances, that the life, safety, health, or physical welfare of a citizen would be immediately threatened without the security and/or transportation the city-owned vehicle could provide him or her. Examples of such emergencies include, but are not limited to accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.

(b) In motorist passenger assistance where there is no immediate emergency, but under a totality of circumstances, the city employee has a reasonable belief that the failure to transport the motorist and/or passengers in a city-owned vehicle could result in such person being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of city-owned vehicle in such case shall be limited to transporting motorists and their passengers only to those places where they are

reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in a city-owned vehicle.

(c) When it is necessary for reasons of inclement weather, late hour, lack of transportation, or other reasonable cause, to transport non-city personnel to and from city-owned property, and to repair, supply and similar facilities, so that such personnel can install, repair, or maintain city equipment essential to the continuation or restoration of public services essential to the safety, health, and welfare of the citizens of the city.

(d) In the transportation of federal, state, and local officers and employees and the news media, private consultants, businesspersons, other authorized private persons, and other private persons visiting the city for the purpose of directly analyzing, reviewing, supporting, assisting or promoting the city's functions and operations.

(e) When the vehicle is being driven to or picked up from private maintenance or repair facilities, and while it is being "road-tested" while in the possession of such facilities.

(f) Vehicle storage. All vehicles are the property of the City of Lakesite. All city-owned vehicles are to be stored at Lakesite City Hall. Exceptions for a period of no more than five (5) business days may be authorized by the mayor or city manager.

(g) Driver's license required. Persons authorized to drive or operate said vehicles and/or equipment are required to have a valid driver's license.

(as added by Ord. #184, June 2008, and amended by Ord. #237, June 2015)

Title 5 MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER 1. MISCELLANEOUS

5-101. Official depository for city funds.

Financial institutions as authorized by the Lakesite City Commission are hereby designated as the official depositories for all city funds.

(1972 Code, § 6-501, as replaced by Ord. #136, Nov. 2002)

Charter reference(s)—Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

5-102. Budget amendments.

The approval of any amendment to the annual budget that would increase appropriations must be preceded by a resolution that identifies a corresponding source of funds, to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure.

(Ord. #64, Sept. 1988, modified)

5-103. Reserved.

Ord. No. 294 , § 1, adopted Feb. 21, 2023, repealed § 5-103, which pertained to purchasing limits and derived from Ord. #171, adopted Nov. 2007.

5-104. Reserved.

Ord. No. 294 , § 1, adopted Feb. 21, 2023, repealed § 5-104, which pertained to city manager authorized to execute contracts and derived from Ord. #247, adopted Aug. 2016.

5-105. Reserved.

Ord. No. 294 , § 1, adopted Feb. 21, 2023, repealed § 5-104, which pertained to emergency expenditures and derived from Ord. # 271 , adopted June 2019.

[1]Charter reference(s)—Finance and taxation: title 6, chapter 22.

CHAPTER 2. REAL PROPERTY TAXES[2]

5-201. Collection.

All municipal property taxes shall be collected by the county trustee and shall become due and delinquent at the same time as the county taxes.

(1972 Code, § 6-101)

CHAPTER 3. DEBT POLICY

5-301. Purpose.

(1) The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the City of Lakesite, Tennessee. This policy reinforces the commitment of the city and its officials to manage the financial affairs of the city so as to minimize risks, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the city. A debt management policy signals to the public and the rating agencies that the city is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

(2) The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt.

(as added by Ord. #206, Oct. 2011)

5-302. Definition of debt.

All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund).

(as added by Ord. #206, Oct. 2011)

5-303. Approval of debt.

Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the city commission prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior

[2]State law reference(s)—Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of ½ of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day each succeeding month.

to issuance. Capital or equipment leases may be entered into by the city commission; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days.

(as added by Ord. #206, Oct. 2011)

5-304. Transparency.

(1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspapers, bulletin boards, and websites.

(3) All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the citizens, city commission, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner.

(as added by Ord. #206, Oct. 2011)

5-305. Role of debt.

(1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(2) In accordance with Generally Accepted Accounting Principles (GAAP) and state law:

   (a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

   (b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence.

(as added by Ord. #206, Oct. 2011)

5-306. Types and limits of debt.

(1) The city will seek to limit total outstanding debt service to no more than twenty percent (20%). This provision may be suspended by unanimous vote of the Lakesite City Commission.

(2) No more than seventy percent (70%) of any expenditure may be financed. This provision may be suspended by unanimous vote of the Lakesite City Commission.

(3) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(4) The city's total outstanding debt obligation will be monitored and reported to the city commission by the city manager. The city manager shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The city manager shall also report to the city commission any matter that adversely affects the credit or financial integrity of the city.

(5) The city has not issued bonds in the past but is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(6) The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(7) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the city.

(8) The city may use capital leases to finance short-term projects.

(9) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The city may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the city. The city commission and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the city's general fund. [This provision is necessary only if the city has a source of repayment for a revenue bond, such as a water or sewer system.]

(as added by Ord. #206, Oct. 2011)

5-307. Use of variable rate debt.

(1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks, including:

(a) The city will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the city commission shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the city commission shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the city commission will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation.

(as added by Ord. #206, Oct. 2011)

5-308. Use of derivatives.

(1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the city commission; and

(b) The city commission must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines.

(as added by Ord. #206, Oct. 2011)

5-309. Costs of debt.

(1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the city commission in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e., general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes).

(as added by Ord. #206, Oct. 2011)

5-310. Refinancing outstanding debt.

(1) The city will refund debt when it is in the best financial interest of the city to do so, and the city manager shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations, and the provisions of this chapter.

(2) The city manager will consider the following issues when analyzing possible refunding opportunities:

(a) *Onerous restrictions.* Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) *Restructuring for economic purposes.* The city will refund debt when it is in the best financial interest of the city to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the city manager if the refunding generates positive present value savings, and the city manager must establish a minimum present value savings threshold for any refinancing.

(c) *Term of refunding issues.* The city will refund bonds within the term of the originally issued debt. However, the city manager may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The city manager may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) *Escrow structuring.* The city shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(e) *Arbitrage.* The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding.

(as added by Ord. #206, Oct. 2011)

5-311. Professional services.

The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) *Counsel.* The city shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction. (No engagement letter is required for any lawyer who is an employee of the city or lawyer or law firm which is under a general appointment or contract to serve as counsel to the city. The city does not need an engagement letter with counsel not representing the city, such as underwriters' counsel.)

(2) *Financial advisor.*

(a) (If the city chooses to hire financial advisors) The city shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions.

(b) Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the city.

(3) *Underwriter.* (If there is an underwriter) The city shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the city with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the entity. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the governing body or designated city official in advance of the pricing of the debt.

(as added by Ord. #206, Oct. 2011)

5-312. Conflicts.

(1) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct.

(as added by Ord. #206, Oct. 2011)

5-313. Review of policy.

This policy will be reviewed as required.

(as added by Ord. #206, Oct. 2011)

5-314. Compliance.

The city manager is responsible for ensuring compliance with this policy.

(as added by Ord. #206, Oct. 2011)

CHAPTER 4. PURCHASING PROCEDURES

5-401. Powers and duties of purchasing agent.

The city manager or their designee is hereby designated as the purchasing agent and shall possess the following powers and perform the following duties under the general supervision of the city manager:

(1) They shall contract for and purchase all supplies, materials, equipment and services necessary for the conduct and operation of departments and agencies of the city.

(2) They may transfer from one department or agency to any other departments or agencies such supplies, materials, and equipment or other personal property not needed by one but necessary to the conduct and operation of the other; or may sell any personal property belonging to the city which is recommended as surplus by the key manager of a department to the city manager, or by the city commission.

(3) They shall have charge of and supervision over all storerooms and be responsible for distributing such supplies to the various departments.

(4) They may, subject to the approval of the city commission, advertise for and enter into contracts for goods and services as needed.

(5) They may establish standard specifications as to quantity and quality for all supplies, materials and equipment generally needed by the departments.

(6) Any action relating to the acquisition or disposal of real property requires the approval of the city commission.

Subject to any limits imposed on spending by the city manager by the city commission, the city manager may enter into binding contracts on behalf of the city, without specific approval of the city commission, for routine purchases and matters not having substantial long-term consequences. For the purpose of this section, a matter does not have substantial long-term consequences if it is a contract for a period of one (1) year or less.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-402. Written requisitions required.

All purchases made under the provisions of this chapter shall be made pursuant to a written requisition from the head of the department, except for those purchases authorized by using a procurement card, petty cash, or fixed price agreement.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-403. Commission approval of purchase unnecessary, when.

Where the amount of the requisition or voucher does not exceed the exemption allowed by state law for exemption from competitive bidding, or any spending or budgetary limit imposed by the city commission, approval by the city commission shall not be necessary for the issuance of a purchase order or payment of a voucher or the execution of a contract. In no event shall a requisition, voucher, or contract be split or divided into two (2) or more

with the intent of evading the necessity of having competitive bids and/or the necessity of obtaining the approval of the city commission.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-404. Purchasing limits.

In accordance with Tennessee Code Annotated; § 6-19-104, the purchase of all material, supplies, and equipment purchased under the authority of this section shall, unless otherwise provided by law or in section 5-401 above, be purchased in accordance with the following regulations:

(1) *Purchases of a common nature not to exceed ten thousand dollars ($10,000.00)*. The city manager is authorized to make the following purchases whose estimated costs do not exceed ten thousand dollars ($10,000.00) without formal sealed bids and written specifications: commonly used items of material, supplies, and equipment used in the ordinary course of maintaining and repairing the city's real or personal property; building or maintaining stocks of city material, supplies and equipment used in the ordinary course of city operations; and minor construction, repair or maintenance services. However, a record of all such purchases shall be maintained describing the material, supplies, equipment or service purchased, the person or business from whom it was purchased, the date it was purchased, the purchase cost, and any other information from which the general public can easily determine the full details of the purchase. Each purchase shall be supported by invoices and/or receipts and any other appropriate documentation signed by the person receiving payment.

(2) *Purchases between ten thousand dollars ($10,000.00) and twenty-four thousand, nine hundred ninety-nine and 99/100 dollars ($24,999.99).* At least three (3) written quotations are required, when possible, for purchases costing less than twenty-five thousand dollars ($25,000.00) but more than ten thousand dollars ($10,000.00). Purchases of like items must be aggregated for purposes of the bid threshold.

(3) *Purchases in excess of twenty-five thousand dollars ($25,000.00)*. The city manager is required to make purchases in excess of twenty-five thousand dollars ($25,000.00), based on written specifications, awarded by written contract let to the lowest responsive and responsible bidder following advertisement for, and the submission of, sealed bids, provided that the City may reject any and all bids.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-405. Expenditures requiring approval of the city manager; spending limit of city manager.

Whenever any requisition or voucher or contract calls for the expenditure of less than the maximum exemption allowed by state law for exemption from competitive bidding and is more than five hundred dollars ($500.00), the issuance of a purchase order or the payment of a voucher or the award of a contract shall be subject to the approval of the city manager or his designee, and shall not be binding on or create any liability against the city until approved as such. The city manager will set the spending limits of the staff, not to exceed the spending limits imposed on the city manager by law. The city commission will set by separate action as necessary the spending limits of the city manager, not to exceed any amount allowed by law.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-406. Competitive bidding; exemptions.

Whenever any requisition or voucher or contract calls for an expenditure exceeding the maximum amount allowed by state law, or contract for construction or remodeling of existing structures or sites calls for an expenditure exceeding the maximum amount allowed by state law for exemption from competitive bidding, there

shall be competitive bids. At the direction of the purchasing agent and the city manager, notice for bids shall be advertised at least once in a general circulation newspaper at least fifteen (15) days prior to the time set for a public opening of bids. The purchasing agent may also issue written invitations to bid to dealers in the articles to be purchased in addition to, but not in lieu of, the advertisement required hereunder. However, secondhand equipment or equipment purchased from any federal, state or municipal agency, where it is not practicable to take bids, may be purchased without taking bids, but such purchases shall be subject to the requirements of §§ 5-403 and 5-404. Also, items covered by federal or state government service contract prices may be exempted at the discretion of the purchasing agent and the City Manager. In cases where the City Commission indicates by unanimous resolution of those present at the meeting, based upon the written recommendation of the City Manager, that is clearly to the advantage of the city not to contract with competitive bidding, it may authorize non-competitive contracts.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-407. Submitting and awarding bids.

All bids shall be sealed and submitted to the purchasing agent on or before the specified time when such bidding is to be closed. All bids will be awarded by the City Commission unless otherwise designated by the City Commission. Recommendation of bids other than the lowest bids must be justified in writing.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-408. Rental or lease expenditures.

The rental or lease of any equipment, materials or vehicles, where the expenditure for the rental or lease period does not exceed twenty-five thousand dollars ($25,000.00), or maximum allowed by state law, may be made by the head of any department. But where the expenditure is more than twenty-five thousand dollars ($25,000.00), for rental or lease of equipment, materials or vehicles, there shall be competitive bids.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-409. Contracts requiring bonds.

No contract shall be let for any public work until the contractor shall have first executed a good and solvent bond or letter of credit to the effect that he will perform according to the contract and pay for all the labor and materials used by said contractor, or any immediate or remote subcontractor under him, in said contract in lawful money of the United States. The bond or letter of credit to be so given shall be for one hundred (100) percent of the contract price. Where advertisement is made, the condition of the bond or letter of credit shall be stated in the advertisement; provided, that this section shall not apply to contracts under ten thousand dollars ($10,000.00).

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-410. Emergency purchases.

Emergency purchases are to be made only when normal functions and operations of the City or one of its departments would be hampered by submitting a request to the City Commission in the regular manner, or when property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., and are needed immediately. In the event of an apparent emergency which requires immediate procurement of supplies, material and equipment, or contractual services, the City Manager shall be empowered to authorize the procurement, at the lowest available price, any supplies or contractual services, not to exceed ten thousand dollars ($10,000.00), or maximum purchase price allowed by state law, where time does not permit the taking of informal bids. A full report of the circumstances of an emergency purchase shall be filed by the City Manager with the City

Commission at its next meeting, and shall be entered on the minutes of the City Commission. Any emergency purchases exceeding ten thousand dollars ($10,000.00), or the maximum allowed by state law, shall require the concurrence of the City Manager and the Mayor. In such event, the City Manager will then schedule this item of business for the next scheduled meeting of the City Commission, and at said meeting a description of the emergency that has occurred, the item purchased, where the item was purchased and the price paid for said item shall be read into the minutes. Action shall then be taken by the entire City Commission for approval.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-411. Adherence to provisions; individual liability.

All contracts, purchase orders, agreements and obligations issued or entered into contrary to the provisions of the foregoing sections shall be void and no person shall have any claim or demand whatever against the City thereunder, nor shall any official or employee of the city waive or qualify the limitation fixed by the preceding section or fasten upon the city any liability whatever contrary to such limitation.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-412. Petty cash fund.

The finance manager, with the approval of the City Manager shall authorize certain departments and/or officials to maintain a petty cash fund not to exceed four hundred fifty dollars ($450.00) from which purchases or payments may be made not to exceed fifty dollars ($50.00) each, and receipts shall be attached to the warrant voucher replenishing reimbursing said petty cash fund.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-413. Certification of unencumbered balance required.

No contract, purchase order, agreement or other obligations involving the expenditure of any money shall be issued or entered into or be valid unless the finance manager or designee, first certifies thereon that there is in the city treasury to the credit of the appropriation or loan authorization from which it is to be paid an unencumbered balance in excess of all other unpaid obligations. If any official or employee of the city authorizes or incurs an obligation against the city without first securing the City Manager's certification as required by this section, such official or employee and his sureties shall be individually liable for the amount of such obligation.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

5-414. Exemption of fuel, fuel products and perishable commodities from public advertisement and competitive bidding requirements.

Purchases of fuel and fuel products and perishable commodities are exempted from the requirements of public advertisement and competitive bidding when such items are purchased in the open market. A record of all such purchases shall be made by the purchasing agent and shall specify the amount paid, the items purchased and from whom the purchase was made. The purchasing agent shall make a monthly report of such purchases to the City Manager and/or the City Commission and shall include all items of information as required herein in his report.

(as amended by Ord. No. 294 , § 2, 2-21-2023; as amended by Ord. No. 303 , § 2, 9-19-2023)

Title 6 LAW ENFORCEMENT

CHAPTER 1 LAW ENFORCEMENT[1]

6-101. Law enforcement.

Police protection shall be furnished for the city and its inhabitants under such contract as the governing body shall grant.

(as added by Ord. # 267 , March 2019)

[1]Cross reference(s)—Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

Title 7. FIRE PROTECTION AND FIREWORKS[1]

CHAPTER 1. GENERAL PROVISIONS[2]

7-101. Fire limits described.

The corporate fire limits shall be and include all the property within the corporate limits which is zoned for business use.

(Ord. #63, Oct. 1988)

7-102. Fire protection.

Fire protection shall be furnished for the city and its inhabitants under such contract as the governing body shall grant.

(Ord. #63, Oct. 1988)

CHAPTER 2. FIRE CODE[3]

7-201. Fire code adopted.

Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the

[1]Cross reference(s)—Building, utility and residential codes: title 12.

[2]Editor's note(s)—The significance of the fire limits is that of the International Building Code, applicable to the City of Lakesite through title 12 of this code which imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits hazardous occupancies within the fire district. See the International Building Code for both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

[3]Cross reference(s)—Building, utility and housing codes: title 12.

International Fire Code,[4] 2018 edition as prepared and adopted by the International Code Council is hereby adopted by reference and included as a part of this code. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #215, July 2012, and Ord. #287 , Feb. 2022)

7-202. Modifications.

Whenever the fire code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Fire Official," "Building Official," or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(Ord. #63, Oct. 1988, as amended by Ord. #215, July 2012)

7-203. Permits.

Requirements for permits are contained in title 12, chapter 1 of this code.

(Ord. #63, Oct. 1988, as replaced by Ord. #215, July 2012)

7-204. Available in the office of the city recorder.

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

(Ord. #63, Oct. 1988, modified, as amended by Ord. #215, July 2012)

7-205. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the fire code.

(Ord. #63, Oct. 1988)

[4]Editor's note(s)—Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

Title 8 ALCOHOLIC BEVERAGES[1]

CHAPTER 1. LIQUOR STORES

8-101. Definitions.

Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) *Alcoholic beverage.* Alcoholic beverage means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent by weight or less. Products or beverages including beer containing less than one-half percent alcohol by volume, other than wine as defined in this section, shall not be considered alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(2) *Applicant.* A person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(3) *Applicant group.* More than one person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(4) *Application.* The form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

[1]Cross reference(s)—
Driving under the influence: § 15-104.
Public drunkenness, etc.: title 11, chapter 1.

(5) *Certificate of compliance.* The certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) *City.* The city is the City of Lakesite, Tennessee.

(7) *Co-licensees.* Persons who together hold a single local liquor store privilege license for a single liquor store.

(8) *Federal statutes.* The statutes of the United States now in effect or as they may hereafter [be] changed.

(9) *Inspection fee.* The monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(10) *Local liquor store privilege license.* A local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One local liquor store privilege license is necessary for each liquor store to be operated in the city.

(11) *License fee.* The annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required.

(12) *Licensee.* The holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(13) *Liquor store.* The building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(14) *Manufactured.* A structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation.

(15) *Person.* Person means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(16) *Retail sale* or *sale at retail.* The sale to a customer or to any person for any purpose other than for resale.

(17) *State law, rules and regulations.* All applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(18) *State liquor retailer's license.* A license issued by the alcoholic beverage commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201 et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(19) *Wholesaler.* Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(20) *Wine.* Wine means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

(Ord. #IV, March 1975, as replaced by Ord. #151, march 2005)

8-102. Selling and distributing generally.

It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this title.

(as added by Ord. #151, March 2005)

8-103. Licenses required for sale of alcoholic beverages at retail.

It shall be unlawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited.

(as added by Ord. #151, March 2005)

8-104. Licensee responsible for officers and agents.

Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee.

(as added by Ord. #151, March 2005)

8-105. Location of a liquor store.

It shall be unlawful for any licensee to operate or maintain a liquor store in the city unless the liquor store is located in a zone permitting such business. Such liquor store shall not be located within two hundred (200) feet or any church, school, public library or public park as measured along a straight line from the center of the main entrance of any such establishment building to the center of the main entrance of the liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals.

(as added by Ord. #151, March 2005)

8-106. Limitations on building containing liquor store.

All liquor stores shall be a permanent type of construction in a material and design approved by city commission. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand (1,000) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, building, life safety and city land development regulations unless specifically stated otherwise herein.

(as added by Ord. #151, March 2005)

8-107. Restrictions generally.

(1) *Entertainment devices and seating forbidden.* No form of entertainment, including pinball machines, music machines or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) *Time and days of operation.* No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before eight o'clock in the morning or after eleven o'clock at night. No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) *Selling or furnishing to minors, etc.* It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) *Consumption on premises of liquor store.* It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) *Advertising.* There shall be no advertising signage of any kind whatsoever outside the building containing a liquor store either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores except as set forth herein. The provisions of any city ordinances or regulations addressing signs shall apply to liquor stores. Regarding signage inside a liquor store, no banner or temporary or permanent signage shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store.

(6) *Off-premises business.* All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall there be permitted drive-in windows. No licensee shall employ and canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages nor shall any licensee receive or accept any such order. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises.

(as added by Ord. #151, March 2005)

8-108. Fees.

(1) *Amounts generally.* There is hereby levied on each licensee an inspection fee of three percent (3%) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sales from any wholesaler or any other source. Licensee shall identify to the city all wholesalers and sources.

(2) *Collection.* Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee for his or her liquor store is made to the city recorder on or before the twentieth (20th) day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection

fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city.

(3) *Reports.* The city recorder shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) *Failure to pay fees.* The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the city commission, be cause for revocation of such liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(as added by Ord. #151, March 2005, and amended by Ord. #173, June 2007, and Ord. #246, Aug. 2016)

8-109. Records kept by licensee.

In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

(1) The original invoices of all alcoholic beverages bought by the licensee;

(2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and

(4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirement of this part.

(as added by Ord. #151, March 2005)

8-110. Inspections generally.

The city manager and the city recorder or the authorized representatives or agents of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending license.

(as added by Ord. #151, March 2005)

8-111. Enforcement.

Any violation of the terms of this chapter shall be punishable under the city's general penalty clause and, in the discretion of the city commission, by any combination of a fine of up to five hundred dollars ($500.00) per violation, or temporary suspension or permanent revocation of the local liquor store privilege license where appropriate. Enforcement provisions are also applicable as found under the state law.

(as added by Ord. #151, March 2005)

8-112. Certificate of compliance.

As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city commission shall authorize the issuance of certificates of compliance by the city according to the terms contained herein.

(as added by Ord. #151, March 2005)

8-113. Application.

(1) *Filing—content.* An applicant or applicant group for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city commission or city manager may require:

(a) The name, street address, and age of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city.

(b) The name of the liquor store proposed.

(c) The address of the liquor store proposed and its zoning designation.

(d) The statement that an individual applicant has been a resident of Hamilton County, Tennessee for at least two (2) years immediately prior to the time the application is filed, or in the case of an applicant group, that at least one of the members of the applicant group has been a resident of Hamilton County, Tennessee for at least two (2) years prior to the time the application is filed.

(e) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city.

(f) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, license fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(g) Occupation or business, type and location, and length of time engaged in such occupation or business.

(h) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance and the details of any such conviction.

(i) If employed, the name and address of employer.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

An applicant for a certificate of good moral character may be required to appear in person before the city commission for such reasonable examination as be desired by the commission.

Every application for a certificate of good moral character shall be referred to the police or appropriate law enforcement agency for investigation and to the city attorney for review, each of whom shall submit his findings to the board of commissioners within thirty (30) days of the date each application was filed.

The board of commissioners may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of commissioners.

(2) *Further documentation.* The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to scale of not less than one inch equals twenty (20) feet giving the following information:

   (a) The shape, size and location of the lot which the liquor store is to be operated under the license,

   (b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot,

   (c) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street, and

   (d) The identification of every parcel of land within two hundred (200) feet of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel

(3) *Signature.* The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) *Misrepresentation—concealment of fact—duty to amend.* If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by city commission. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city commission.

(5) *Fees.* Each application shall be accompanied by a non-refundable two hundred fifty dollars ($250.00) investigation fee. One application fee per applicant group is sufficient.

(as added by Ord. #151, March 2005)

8-114. Consideration.

In issuing the initial certificates of compliance sufficient for the licensing of up to one (1) liquor store in the city for each three thousand (3,000) persons or fraction thereof residing in the City of Lakesite, according to the 2000 census or any subsequent federal census as permitted by this chapter, the city commission will consider all applications filed before a closing date to be fixed by it and select from such applications the persons deemed by it in its sole discretion to have qualification required by law and the most suitable circumstances for the lawful operation of a liquor store without regard to the order of time in which the applications are filed. Such persons

and only such persons shall receive the initial certificates of compliance issued by the city. If, thereafter, an additional license becomes available due to the cancellation, revocation or otherwise of a previously issued license, city commission will select from all pending applications the applicant or applicant group deemed by it to have the qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store after a closing date to be fixed by it upon public notice of the availability of such license. Such person or persons and only such person or persons will receive certificates of compliance issued by the city sufficient to allow the operation of the liquor store contemplated by the chosen application. Applications shall be retained by the city until such time as all liquor stores for which certificates of compliance have been issued by the city are opened for business. At that time, all pending applications which did not result in the granting of certificates of compliance after consideration by commission will expire and be disposed of by the city. Applications can only be submitted to the city during the time frame the city commission has set forth for receipt of such applications. Applications and all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the city and constitute public records open to public inspection.

(as added by Ord. #151, March 2005)

8-115. Restrictions upon issuance.

(1) *Additional certificates of compliance.* The city commission shall refuse to issue a certificate of compliance whenever the number of previously issued and outstanding certificates of compliance when added to the number of outstanding licenses equals the number of licenses authorized by this chapter.

(2) *No violation of chapter.* No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(3) *Prerequisites of issuance.* The city manager upon approval of city commission shall not sign any certificate of compliance for any applicant or applicant group until:

   (a) Such application has been filed with the city recorder;

   (b) The location stated in the certificate has been approved by the city commission as a suitable location for the operation of a liquor store; and

   (c) The application has been considered at a public meeting of the city commission and approved by a vote of at least three members thereof.

(4) *Time period for action.* Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by the city commission, within six months open a liquor store in the city or said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked.

(as added by Ord. #151, March 2005)

8-116. License from city to operate liquor store.

After an applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101 et seq., he or she shall apply to the city recorder for a local liquor retailer's privilege license to operate a retail liquor store pursuant to the following terms, conditions and restrictions.

(as added by Ord. #151, March 2005)

8-117. Restrictions on local liquor, retailer's licenses.

(1) *Maximum number of licenses.*

(a) No more than one (1) local liquor retailer's license for the sale of alcoholic beverages at liquor stores shall be issued under this chapter for each three thousand (3,000) persons or fraction thereof residing in the City of Lakesite, according to the 2000 census or any subsequent federal census.

(2) *Term renewal.* Each license shall expire on December 31st of each year. A privilege license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter.

(3) *Display.* A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(4) *Transfer.* A licensee or co-licensee shall not sell, assign or transfer his license or any interest therein to any other person. No license shall be transferred from one location to another location without the express permission on city commission.

(5) *Privilege fees.* A license fee of one hundred dollars ($100.00) is due at the time of application for a privilege license and annually prior to January 1 each year thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city recorder before any license shall issue.

(as added by Ord. #151, March 2005)

8-118. Restrictions upon licensees and employees.

(1) *Initial qualifications*. To be eligible to apply for or to receive a license, an applicant or in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state rules and regulations for the holder of a liquor retailer's license.

(2) *Public officers and employees.* No license shall be issued to a person who is a holder of a public office either appointed or elected or who is a public employee either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply however to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) *Felons.* No licensee shall be a person who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity which he or she is connected shall receive a license; provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) *Employee felons.* No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who within ten (10) years prior to the date of his or her employment shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) *Liquor offenses.* No license shall be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of intoxicating liquors or beer who has during such period been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) *Disclosure of interest.* It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) *Age.* No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) *Interest in only one (1) liquor store.* A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this title in the City of Lakesite.

(as added by Ord. #151, March 2005)

8-119. Nature of license; suspension or revocation.

The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by city commission for any violation of this title by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city commission suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this title by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days, and the city commission may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations.

(as added by Ord. #151, March 2005)

CHAPTER 2. BEER[2]

8-201. Beer board established.

There is hereby established a beer board to be composed of all the members of the governing body. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation.

(Ord. #IV, Mar. 1975)

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

8-202. Meetings of the beer board.

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

(Ord. #IV, Mar. 1975)

8-203. Record of beer board proceedings to be kept.

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

(Ord. #IV, Mar. 1975)

8-204. Requirements for beer board quorum and action.

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

(Ord. #IV, Mar. 1975)

8-205. Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter.

(Ord. #IV, Mar. 1975)

8-206. "Beer" defined.

The term "beer" as used in this chapter shall mean beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(Ord. #IV, Mar. 1975, as replaced by Ord. #242, May 2016)

8-207. Permit required for engaging in beer business.

It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the City of Lakesite. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

8-208. Beer permits shall be restrictive.

All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. Permits are to be renewed annually on a calendar basis.

(Ord. #IV, Mar. 1975)

8-209. Interference with public health, safety, and morals prohibited.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. Except as provided below a permit will not be issued authorizing the storage, sale, or manufacture of beer at places located within the following distances of any school, church, or other such place of public gathering, measured between buildings:

Places for off-premises consumption—200 feet

Places for on-premises consumption—500 feet

The distance requirements for this section do not apply on-premises consumption in a restaurant located in a structure that is, or was in the fifteen (15) years previous to the application for a permit, part of a shopping center.

(Ord. #IV, Mar. 1975, as amended by Ord. #115, Nov. 1999 and Ord. # 265 , Jan. 2019)

8-210. Issuance of permits to persons convicted of certain crimes prohibited.

No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(Ord. #IV, Mar. 1975)

8-211. Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder to:

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

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

(3) (a) Make or allow any sale of beer for on-premises consumption between the hours of 3:00 A.M. and 6:00 A.M. during any night of the week or between the hours of 3:00 A.M. and 12:00 Noon on Sunday.

(b) Make or allow any sale of beer for off-premises consumption between the hours of 3:00 A.M. and 6:00 A.M. during any night of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

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

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

(6) Allow any minor under eighteen (18) years of age to loiter in or about his place of business.

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

(8) Allow drunk or disreputable persons to loiter about his premises.

(9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(10) Allow gambling on his premises.

(11) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.

(Ord. #IV, Mar. 1975, as amended by Ord. #46, July 1986, and Ord. #138, April 2003)

8-212. Revocation of beer permits.

The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

(Ord. #IV, Mar. 1975)

8-213. Privilege tax.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Lakesite, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-214. Civil penalty in lieu of revocation or suspension.

(1) For the purposes of this section, "responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.

(3) The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

(4) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil

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

(as replaced by Ord. #248, March 2017)

CHAPTER 3. INTOXICATING LIQUOR

8-301. Definition of alcoholic beverages.

As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less.

(as added by Ord. #187, Jan. 2009)

8-302. Consumption of alcoholic beverages on premises.

Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Lakesite, Tennessee. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Lakesite, Tennessee, the same as if said code sections were copied herein verbatim.

(as added by Ord. #187, Jan. 2009)

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Lakesite General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Lakesite on alcoholic beverages for consumption on the premises where sold.

(as added by Ord. #187, Jan. 2009)

8-304. Annual privilege tax to be paid to the city recorder.

Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Lakesite shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

(as added by Ord. #187, Jan. 2009)

8-305. Concurrent sales of liquor by the drink and beer.

In order to concurrently sell liquor by the drink and beer, any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Lakesite, pursuant to

Tennessee Code Annotated, title 57, chapter 4 shall also qualify to receive a beer permit from the city for on-premises consumption as required by chapter 2 of this title.

(as added by Ord. #187, Jan. 2009)

8-306. Advertisement of alcoholic beverages.

All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission.

(as added by Ord. #187, Jan. 2009)

CHAPTER 4. WINE SALES BY RETAIL FOOD STORES

8-401. Wine sales by retail food stores authorized as provided by state law.

To the extent authorized by Tennessee Code Annotated, § 57-3-801 or other applicable state law, it is lawful for retail food stores as defined by Tennessee Code Annotated, § 57-3-802(1) to sell wine, as defined by Tennessee Code Annotated, § 57-3-802(2) within the corporate limits of the City of Lakesite.

(as added by Ord. #246, Aug. 2016)

8-402. No location restrictions.

The location restrictions of § 8-105 of this title do not apply to sales by retail food stores. This exception does not abrogate the limitation set forth in Tennessee Code Annotated, § 57-3-806(e) or other applicable state law.

(as added by Ord. #246, Aug. 2016)

8-403. Inspections, records required and inspection fees.

As authorized by Tennessee Code Annotated, § 57-3-501(a)(1), the inspection fee authorized in § 8-108 is hereby imposed on wine sales by retail food stores in the City of Lakesite, and the provisions of §§ 8-108, 109 and 110 of the Lakesite Municipal Code are hereby made applicable to said wine sales.

(as added by Ord. #246, Aug. 2016)

Title 9 BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER 1. CABLE TELEVISION

9-101. To be furnished under franchise.

Cable television service shall be furnished to the City of Lakesite and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Lakesite and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.

Editor's note(s)—For complete details relating to the cable television franchise agreement see Ord. #193 dated March 2010, in the office of the city recorder.

CHAPTER 2. PEDDLERS, SOLICITORS, ETC.

9-201. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) *Peddler* means any person who individually or as an agent or employee of any firm, corporation, or organization, who has no permanent regular place of business and who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) *Solicitor* means any person who individually or as an agent or employee of any firm, corporation or organization, who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes as that term is defined below.

(3) *Solicitor for charitable or religious purposes* means any person who individually or as an agent or employee of any firm, corporation or organization who goes from dwelling to dwelling 'Without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, soliciting contributions from the public for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No person, firm, corporation

[1]Cross reference(s)—
Building, plumbing, wiring and housing regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

or organization shall qualify as a solicitor for charitable or religious purposes unless it meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501 (c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or a similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Hamilton County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) *Street barker* means a person who engages in the business or conduct as a peddler individually or as an agent or employee of any firm, corporation or organization during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(5) *Transient vendor* means any person who individually or as an agent or employee of any firm) corporation or organization who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a business or residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer I and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(as added by Ord. #147, Oct. 2004 and amended by Ord. #277 , Sept. 2020)

State law reference(s)—Tennessee Code Annotated, § 62-30-101, et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

9-202. Exemptions.

The terms of this chapter shall not apply to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, or to persons selling agricultural products, who themselves produced the products being sold.

(as added by Ord. #147, Oct. 2004)

9-203. Permit required; eligibility.

It is the intent of this section to treat each person, and each firm, corporation and organization, and each agent for same, and each person who as an employee or who in any other capacity for such firm, corporation or organization, is covered by this chapter, as a separate person for the purposes of investigation and payment of the permit fee.

Individuals, firms, corporations and organizations are eligible for a permit under this chapter. Persons applying for an individual permit under this chapter shall complete an application on forms provided by the city, and pay the permit fee. Agents applying for a permit for a firm, corporation, or organization under this chapter shall complete a separate application and pay a separate permit fee for the firm, corporation or organization, and the agent, and for each individual who as an employee of, or in any other capacity for, the firm, corporation or organization, will engage in the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker.

Representatives of established youth programs, such as boy and girl scouts, and students of public and private elementary and high schools located in Hamilton County shall not be required to obtain a permit to sell goods or solicit donations to support activities of their organizations. The permit fee may be waived for other organizations upon presentation of proof of affiliation with a nonprofit agency organized under Section 501c(3) of the federal tax code.

(as added by Ord. #147, Oct. 2004)

9-204. Permit procedure.

(1) *Application form.* The application shall be sworn to by the applicant, and shall contain:

(a) Name, date of birth, social security number or other identification number of the applicant, his or her physical description, and a copy of his or her driver's license.

(b) The following complete addresses and telephone numbers of the applicant:

(i) Permanent.

(ii) Permanent business.

(iii) Local residential.

(iv) Local business.

(c) If the applicant is an agent or employee of a firm, corporation or organization, the written credentials establishing the applicant's employee or any other agency relationship with the firm, corporation or organization.

(d) A statement as to whether or not the applicant has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three (3) years; the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.

(e) The last three (3) cities, towns, or other political subdivisions (if that many) the applicant engaged in the business or conduct as a peddler, solicitor, solicitor for religious or charitable purposes, transient vendor, or street barker immediately prior to making application for a permit under this chapter, and the complete addresses, if any, of the applicant listed under (b) above in those cities, towns or other political subdivisions.

(f) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring two (2) inches by two inches, and showing the head and shoulders of the applicant in a clear distinguishing manner.

(g) A brief description of the type of business and the goods to be sold or in the case of solicitors for charitable or religious purposes, the function of the organization.

(h) The dates for which the applicant intends to do business or make solicitations.

(i) The make, model, complete description, and license tag number and state of issue, of each vehicle the applicant intends to use to make sales or solicitations, whether or not such vehicle is owned by the person making sales or solicitations, or by the firm, corporation or organization itself, or rented or borrowed from another business or person.

(j) Tennessee state sales tax number, if applicable.

(2) *Permit fee.* Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application an initial nonrefundable fee of fifty dollars ($50.00). There will be no renewal fee. There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

(3) *Denial or approval of permit.*

(a) *Investigation.* Upon the receipt of the application and the payment of the permit fee, the city recorder or authorized designee shall make and investigation of the applicant for the protection of the public health, safety and general welfare of the public. The city recorder or authorized designee shall make a good faith effort to complete the investigation within three complete working days, excluding Saturdays, Sundays and holidays of the city. If the investigation is not complete within that period, the reasons shall be noted on the application. In no event shall the period of the investigation exceed ten (10) days.

(b) Approval of the city commission. Permit applications will be submitted to the city commission for approval. All applications must be submitted in time for an investigation to be completed. Completed applications must be received five (5) days before a regularly scheduled commission meeting.

(c) *Denial of permit.* The permit shall be denied if the investigation discloses that:

(i) The applicant has been convicted of a felony within the past ten (10) years or has been convicted or a misdemeanor other than a minor traffic violation within the past three (3) years; or

(ii) Any information in the application that is materially false or misleading; or

(iii) The business reputation of the applicant is such that the applicant constitutes a threat to the public health, safety or general welfare of the citizens of the city; [or]

(iv) The information supplied in the application is insufficient to permit the city recorder or authorized designee to make a determination under (i), (ii) or (iii) above.

The application of a firm, corporation or organization may be rejected if the investigation discloses no information that would disqualify it for a permit where the investigation of the agent or a prospective peddler. solicitor, solicitor for charitable purposes, street barker or transient vendor for the firm, corporation or organization discloses information that disqualifies any of them for a permit.

The city recorder or authorized designee shall note on the application the specific reasons for the disapproval of the permit. A copy of the application containing the specific reasons for the disapproval shall be sent by United States mail to the applicant at the applicant's address shown on the application.

(c) *Approval of permit.* If the investigation discloses no grounds for the denial of the permit, the city recorder or authorized designee shall issue a permit to the applicant.

(d) *Appeal of denial.* The refusal of the city recorder or authorized designee to issue a permit may be appealed to the city manager. The aggrieved applicant may within ten (10) days following the date the notice of the refusal of the city recorder or authorized designee to issue a permit was mailed to the applicant appeal the refusal by giving the city manager written notice of appeal, stating the grounds for the appeal. The city manager shall set a hearing on the appeal for a date falling within ten (10) days following the date of the receipt of the appeal. The decision of the city manager shall be final.

(4) *The permit.* The permit shall show the name of the permit holder and (if the permit holder is a firm, corporation or organization) the name of the solicitor, solicitor for charitable purposes, street barker or transient vendor, the kind of goods and/or services authorized to be bold, the amount of the permit fee paid, the date of issuance of the permit, and the period of the permit, and shall have attached a copy of a photograph of the permit holder.

(5) *Expiration and renewal of permit.* The permit of peddlers, solicitors, solicitors for religious and charitable purposes, and transient vendors shall expire sixty (60) days from the date of issue. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city.

(as added by Ord. #147, Oct. 2004 and amended by Ord. #277 , Sept. 2020)

9-205. Business license required.

Each person, or each firm, corporation or organization issued a permit under this chapter as a peddler, solicitor, street barker or transient merchant shall be required to obtain a business license before soliciting or making sale.

(as added by Ord. #147, Oct. 2004)

9-206. Restrictions on permit holders in general.

No person while conducting the business or activity of peddler, street barker, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic; or

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his or her business or merchandise or to his or her solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter or attempt to enter in or upon any residential or business premises wherein the authorized owner, occupant or person legally in charge of the premises has in a conspicuous place posted, at the entry to the premises, or at the entry to the principal building of the premises, a sign or placard in letters at least one inch high bearing the notice "Peddlers Prohibited," "Solicitors Prohibited," "Peddlers and Solicitors Prohibited," or similar language of the same import, is located.

(6) Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between sundown and 9:00 A.M.

(as added by Ord. #147, Oct. 2004)

9-207. Additional restrictions on transient vendors.

A transient vendor shall not:

(1) Advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water

or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on private property without written permission of the property owner or other person in authorized control of the property.

(as added by Ord. #147, Oct. 2004)

9-208. Display of permit, business license, etc.

Each peddler, solicitor, and street barker is required to have in his possession a valid permit and business license, and each transient vendor is required to have in his possession a valid permit, business license, and the written permission of any private property owner or other person in control of the property owner from which he or she is conducting business, while making sales or solicitations, and all shall be required to display tile same to any police officer upon demand. Solicitors for charitable and religious purposes shall be required to have in their possession a valid permit.

(as added by Ord. #147, Oct. 2004)

9-209. Revocation of permit.

(1) *Causes.* The permit issued to any person or-to any firm, corporation or organization under this chapter may be revoked by the city manager for any of the following causes:

(a) Fraud, misrepresentation, or false or misleading statement contained in the application for a permit.

(b) Fraud, misrepresentation, or false or misleading statement made by the permit holder in the course of the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor or street barker.

(c) Any violation of this chapter.

(d) Any other conduct of the permit holder that constitutes a threat to the health, safety or general welfare of the citizens of the city.

(2) *The notice of revocation.*

(a) *City manager's option.* The city manager shall have the option of revoking the permit effective immediately after notice, or effective after notice and hearing. However, the city manager shall revoke the permit effective immediately only after a written finding of the reasons that to delay the revocation of the permit would represent an intolerable threat to the health, safety or general welfare of the citizens of the city.

(b) *Notice if the permit holder is a person.* If the permit holder is a person, the city shall make a reasonable effort to personally deliver the notice of revocation effective to the permit holder. If the permit holder cannot be found after such reasonable effort, the notice shall be sent by registered or certified United States mail to the local residential or business address of the permit holder. If the permit holder has no local residential or business address the notice shall be sent to the permit holder's permanent address.

(c) *Notice if the permit holder is a firm, corporation or organization.* The personal notice provided for above may be given to the agent of the firm, corporation or organization, or to any employee or agent of the firm, corporation, or organization; otherwise, the notice procedure prescribed by (b) above shall apply where the permit holder is a firm, corporation or organization.

(d) *Contents of notice and hearing.* The notice shall set forth the specific grounds for revocation of the permit and shall set a hearing on the revocation on a date falling not less than five (5) nor more than (10) days from the date of the notice.

(3) *Hearing on the revocation.* At the hearing on the revocation of the permit, the permit holder shall be entitled to respond to the charges against him or her and to be represented by counsel at his or her expense. The city manager's decision shall be final.

(as added by Ord. #147, Oct. 2004)

9-210. Violation and penalty.

In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars ($50.00) for each offense. Each day a violation occurs shall constitute a separate offense.

(as added by Ord. #147, Oct. 2004 and amended by Ord. #277 , Sept. 2020)

CHAPTER 3. MOBILE FOOD VENDORS[2]

9-301. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) *Mobile food vendor*. Unless covered by a more specific definition (or land use activity or temporary use listing), a vehicle, cart and/or mobile stand from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere.

(2) *Mobile food vendor permit*. A permit issued by the city for the operation of a mobile food service vehicle. Food trucks may be exempted from requiring a permit to operate when attending a permitted special event, a temporary use permit event, or a 501 (c)(3) event.

(as added by Ord. No. 301 , § 1, 8-15-2023)

9-302. Standards.

The following standards shall apply to all zoning districts within the city:

Mobile Food Vendor

(1) It is unlawful for any mobile food vendor to operate within the city except as herein provided. In addition to general penalties under the city code, any mobile food vendor found operating in violation of this chapter shall immediately stop servicing customers until such violation is remedied. A failure to comply after receiving notice of a violation will be grounds for the city to obtain an injunction or other available relief to prevent the mobile food vendor from operating within the city and the city will revoke any permits issued to the mobile food vendor and/or

[2]Ord. No. 301 , § 1, adopted Aug. 15, 2023 renumbered the former Ch. 3, §§ 9-301—9-303, as Ch. 4, §§ 9-401—9-403 and enacted a new Ch. 3, §§ 9-301—9-302, as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

owner of the mobile food vendor and will not grant any new permits to the mobile food vendor and/or owner for a period of two (2) years.

(2) A mobile food vendor must comply with all federal, state, and county health, licensing, and tax laws.

(3) A mobile food vendor must obtain a permit prior to operating in the City of Lakesite. There is a one hundred dollars ($100.00) fee for a permit, and any renewal is fifty dollars ($50.00). Permits shall run for the calendar year, from January 1 to December 31. Permits are not transferrable and the mobile food vendor must notify the city if it ceases to conduct any operations in Lakesite. In order to obtain a mobile food vendor permit, the owner must complete an application form provided by the city, which will include at least the following information:

a. Name and address of the owner of the vehicle.

b. Name and address of the operator of the vehicle.

c. Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.

d. A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.

e. A copy of the state or county health department license or permit applicable to mobile food providers.

f. A copy of any alcoholic beverage licenses, if applicable.

g. A copy of the operator's business license.

h. A certificate of insurance coverage, including required motor vehicle insurance coverage.

i. A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.

j. Any additional information required by the permit administrator.

k. Each mobile food vendor permit holder shall have an ongoing duty to provide the city with notice of any change to any of the information submitted with its permit application, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(4) General regulations.

a. A mobile food vendor may operate on public or private property, excluding a residential area. To operate in a public location the mobile food vendor must have the expressed written consent of the city, which shall state the dates, location, and hours for which the mobile food vendor may operate. To operate on private property, the mobile food vendor holder must have the expressed, written permission of the entity that owns the land on which the private permit holder is operating. The written permission shall state the dates, location, and hours for which the mobile food vendor may operate.

b. No mobile food vendors may remain parked overnight at any location the mobile food vendor operates, absent specific, written permission from the city.

c. The owner of the mobile food vendor is the person(s) who own any business entity associated with the mobile food vendor as well as the owner/lessee of any vehicle associated with the mobile food vendor.

d. The operator of the mobile food vendor is the person(s) who are primarily responsible for the daily operations of the mobile food vendor.

e. A mobile food vendor may have, at most, table seating for no more than eight (8) people.

f. With the exception of a sandwich board located within two (2) feet of the mobile food vendor, with two (2) sign faces that are no larger than eight (8) square feet per sign face, signage for the mobile food vendor shall be attached to the vehicle, stand, and/or cart associated with the operation of the mobile food vendor.

g. No mobile food vendor may locate within three hundred (300) feet of a permanent establishment that sells substantially similar menu items.

h. A mobile food vendor shall not be parked in a way to block any entrances/exits, drive throughs, fire lanes, designated traffic lanes, and/or more than four (4) lined parking spots, if applicable.

i. In the event the permit fails to state the hours during which sales are permitted, the hours of sale shall be 7:00 am to 8:00 pm.

j. Vendor may not be in the same location more than twenty-six (26) times per year.

k. A mobile food vendor shall not be blocking any portion of any sidewalk, whether through signage, canopies, awnings and/or seating.

l. Any awnings or canopies utilized by the mobile food vendor shall be at least six (6) feet, eight (8) inches above the sidewalk and or pavement.

m. A mobile food vendor shall not be parked so as to create a line-of-sight hazard, meaning impeding a pedestrian or vehicle's ability see other traffic hazards.

n. A mobile food vendor is responsible for ensuring that the site, within a fifty foot (50') radius of the mobile food vendor, remains free of debris/trash. A trash receptacle shall be provided for consumers and shall be regularly emptied.

o. A mobile food vendor is responsible for providing napkins, cutlery, and similar items to customers.

p. Every mobile food vendor must have insurance adequate to cover the limits of the city under the Governmental Tort Liability Act. For activities on public property, the mobile food vendor and owner, as part of receiving a permit under this chapter, agree to indemnify and hold harmless the city for any and all damages sustained by the mobile food vendor and/or owner and/or operator and any and all claims made against the city related to the operation of the mobile food vendor and/or actions of the owner and/or operator. For operation on private property or in a residential area, the mobile food vendor and owner, as part of receiving a permit under this ordinance agree to indemnify and hold harmless the city for any and all claims made against the city related to the operation of the mobile food vendor and/or actions of the owner and/or operator.

q. No mobile food vendor may operate their vehicle, cart, or stand, or create any other sounds that violate the city's noise ordinances or otherwise constitute a nuisance.

r. All mobile food vendors must comply with the city's stormwater regulations regarding discharges into public sewers.

s. Cooking equipment located outside the mobile food vendor's vehicle, cart or stand must be specifically approved by the city and any such equipment must be roped off, creating at least a three foot (3') distance from the equipment to any potential customer.

t. Vendors may not park in unimproved lots or on public streets.

u. Absent permission of the property owner, no mobile food vendor may utilize any sanitation facilities or electrical connections not owned by the mobile food vendor.

v. Any mobile food vendor that is open for business shall park facing the same direction as traffic, at a distance of no more than eighteen inches (18") between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement. This does not apply to a mobile food vendor operating in a private parking lot.

w. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the city's fire and rescue department. All mobile food vendors must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.

x. Mobile food vendors shall not sell alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance.

The city manager retains discretion to carry out administrative functions related to the enforcement of this chapter, including any exceptions that may be granted to any location when in the interest of the public health, safety and specific to condition.

(as added by Ord. No. 301 , § 1, 8-15-2023)

CHAPTER 4. PRIVILEGE TAXES AND LICENSES[3]

9-401. Business tax levied.

Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act," Tennessee Code Annotated, §§ 67-4-701 through 67-4-729, as the same may be amended or replaced, are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations situated within the City of Lakesite at the rates and in the manner prescribed by the said act.

(as added by Ord. #185, Oct. 2008, and amended by Ord. #227, Sept. 2013)

State law reference(s)—Tennessee Code Annotated, title 67, chapter 4, part 7.

9-402. Business license required.

No person shall engage in any business, business activity, vocation or occupation declared to be a privilege by the Business Tax Act, Tennessee Code Annotated, §§ 67-4-701 through 67-4-729, as the same may be amended

[3]Ord. No. 301 , § 1, adopted Aug. 15, 2023 renumbered the former Ch. 4, §§ 9-401—9-416, as Ch. 5, §§ 9-501—9-516 and enacted a new Ch. 4, §§ 9-401—9-403, as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

or replaced, within the city without a currently effective privilege license, which shall be issued by the city recorder to each applicant therefore upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax.

(as added by Ord. #185, Oct. 2008, and amended by Ord. #227, Sept. 2013)

9-403. City privilege fee and penalty.

(1) There shall be a twenty-four dollar ($24.00) privilege fee on each person or entity doing business in the City of Lakesite, in order to identify aid and support businesses which are engaged in any business by obtaining reliable information as to who is conducting or planning to conduct business and the nature of the business within the city. New businesses shall have the fee pro-rated accordingly.

(2) A Lakesite privilege license shall be issued to the business by the city recorder. Every Lakesite privilege license shall expire the thirtieth (30^{th}) day of June of each year and shall be renewed annually upon payment of the required fee no later than July 15 of each year. Every Lakesite privilege license shall be placed in a conspicuous location in each business establishment.

(3) It shall be unlawful to violate any provision of this section.

(as added by Ord. #227, Sept. 2013)

CHAPTER 5. ADULT-ORIENTED ESTABLISHMENTS[4]

9-501. Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) *Adult bookstore* means an establishment receiving a principal portion of its gross sales from the sale or rental of books, magazines, periodicals, videotapes, DVDs, films and other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below. "Adult bookstore" shall not include video stores whose primary business is the rental and sale of videos which are not distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(2) *Adult cabaret* is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(3) *Adult mini-motion picture theater* means an enclosed building with a capacity of less than fifty (50) persons principally used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

[4]Editor's note(s)—See the editor's note located at Ch. 4.

(4) *Adult motion picture theater* means an enclosed building with a capacity of fifty (50) or more persons principally used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(5) *Adult-entertainment* means any exhibition of any adult-oriented motion pictures, live performance, computer or CD-ROM generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(6) *Adult-oriented establishment* shall include, but not be limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabarets," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(7) *Board of commissioners* means the Board of Commissioners of the City of Lakesite, Tennessee.

(8) *Employee* means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(9) *Entertainer* means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(10) *Operator* means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) *Principal* or *principally* means at least thirty-three and one-thirds percent (33⅓%) of the goods, services, activities, or things so described whenever such terms are used in this chapter.

(12) *Specified anatomical areas* means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

(13) *Specified sexual activities* means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(as added by Ord. #188, June 2009)

9-502. License required.

(1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Lakesite without first obtaining a license to operate issued by the City of Lakesite.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises are lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

(as added by Ord. #188, June 2009)

9-503. Application for license.

(1) Any person, partnership, or corporation desiring to secure a license shall make application to the City Manager of the City of Lakesite. The application shall be filed in triplicate with and dated by the city manager. A copy of the application shall be distributed promptly by the city manager or the city recorder to the applicant.

(2) An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"×2") of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant(s).

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the City of Lakesite, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Hamilton County Sheriff's Department, the city manager shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city manager shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the board of commissioners.

(4) Whenever an application is denied or held for further investigation, the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of commissioners at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of commissioners and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Hamilton County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding

said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the city manager.

(as added by Ord. #188, June 2009)

9-504. Standards for issuance of license.

(1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 5-403 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 5-403 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Hamilton County Sheriff's Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city manager no later than twenty (20) days after the date of the application.

(as added by Ord. #188, June 2009)

9-505. Permit required.

In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the city manager.

(as added by Ord. #188, June 2009)

9-506. Application for permit.

(1) Any person desiring to secure a permit shall make application to the city manager. The application shall be filed in triplicate with and dated by the city manager. A copy of the application shall be distributed promptly by the city manager or the city recorder to the applicant.

(2) The application for a permit shall be upon a form provided by the city manager. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"×2") of the applicant.

(i) The length of time the applicant has been a resident of the City of Lakesite, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Hamilton County Sheriff's Department, the city manager shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the city manager shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of commissioners at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the city manager.

(as added by Ord. #188, June 2009)

9-507. Standards for issuance of permit.

(1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Hamilton County Sheriff's Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city manager not later than twenty (20) days after the date of the application.

(as added by Ord. #188, June 2009)

9-508. Fees.

(1) A license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned.

(as added by Ord. #188, June 2009)

9-509. Display of license or permit.

(1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Hamilton County Sheriff's Department, or any person designated by the board of commissioners.

(as added by Ord. #188, June 2009)

9-510. Renewal of license or permit.

(1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city manager. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city manager. A copy of the application for renewal shall be distributed promptly by the city manager or the city recorder to the operator. The application for renewal shall be a form provided by the city manager and shall contain such information and data, given under oath or affirmation, as may be required by the board of commissioners.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(3) If the Hamilton County Sheriff's Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city manager.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the city manager. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city manager. A copy of the application for renewal shall be distributed promptly by the city manager to the city recorder and to the employee. The application for renewal shall be upon a form provided by the city manager and shall contain such information and data, given under oath or affirmation, as may be required by the board of commissioners.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars ($50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the Hamilton County Sheriff's Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city manager.

(as added by Ord. #188, June 2009)

9-511. Revocation of license or permit.

(1) The city manager shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Hamilton County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The city manager, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of commissioners, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.

(as added by Ord. #188, June 2009)

9-512. Hours of operation.

(1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Lakesite Building Inspector, the Hamilton County Sheriff's Department, or such other persons as the board of commissioners may designate.

(as added by Ord. #188, June 2009)

9-513. Responsibilities of the operator.

(1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of commissioners. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection upon demand of a member of the Hamilton County Sheriff's Department or the Lakesite Building Inspector at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainers constituting a violation of the

provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of a member of the Hamilton County Sheriff's Department or the Lakesite Building Inspector at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the City of Lakesite Municipal Code.

Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

(as added by Ord. #188, June 2009)

9-514. Prohibitions and unlawful sexual acts.

(1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or

employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer.

(as added by Ord. #188, June 2009)

9-515. Penalties and prosecution.

(1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars ($50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

(as added by Ord. #188, June 2009)

9-516. Invalidity of part.

Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter.

(as added by Ord. #188, June 2009)

Title 10 ANIMAL AND FOWL CONTROL[1]

CHAPTER 1. ANIMAL SERVICES DIVISION

10-101. Animal care; agent of the City of Lakesite duties; powers.

(1) Animal care. The agent together with the Hamilton County Sheriff's Department as appropriate or necessary shall be authorized to provide animal services for the City of Lakesite.

(2) These contracted services shall include the following:

(a) Providing essential animal services to the residents of Lakesite through the enforcement of animal-related codes as stated in the Tennessee Code and City Code;

(b) Licensing of animals;

(c) Animal safety and educational programs;

(d) An attempt to reach resolution of animal-related problems by education or advice;

(e) Emergency and rescue services for animals;

(f) Cooperation with the county health director and assisting in the enforcement of the laws of the city and state with regard to companion animals and especially with regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals;

(g) Investigation of cruelty, neglect or abuse of companion animals; and

(h) Maintaining an animal shelter in accordance with the provisions of this chapter that will include, but not be limited to, sheltering of animals impounded under this chapter, licensing of animals, quarantine of rabies-suspect animals, reduction of stray and unwanted animal population through spay and neuter programs, community education with regard to pet overpopulation, methods of ownership identification and disposition of impounded animals by adoption, redemption, or humane euthanasia. Animals generally, T.C.A. §§44-17-101, et seq.

(3) Any animal services officer or authorized police officer shall have the power and duty to protect the animals taken into custody, whether in transit or at the agents animal center. Any animal services officer shall have the authority and duty to rescue any animal that appears to be suffering from a serious medical emergency and/or appears to be unable to physically remove itself from a situation that restricts its movement. If a rescued animal is found to have reasonable proof of ownership such as an implanted microchip, tattoo or collar with identification, it shall be provided with immediate veterinary care if the officer deems such care to be necessary in an attempt to prevent, physical pain, suffering, disability or death of the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal. If the animal has no detectable identification or is found abandoned or not properly cared for, the agents animal center director, a licensed veterinarian or two (2) reputable, experienced employees in the animal welfare field may be called to view the animal and give written certification of the animal's condition. If it is determined that the animal is diseased, significantly injured, suffering, neonatal, feral or highly aggressive, and due to such condition is an improbable candidate for adoption, the animal can be

[1]Editor's note(s)—Ord. # 272 , adopted June 2019, deleted tit. 10, chs. 1 and 2, and replaced said title with chapters 1—11, as set out herein. Formerly, ch. 10 pertained to animal control and derived from 1972 Code, §§ 3-201, 3-202(modified), 3-203—3-206, Ord. #162, adopted Nov. 2005, Ord. #177, adopted Oct. 2007, and Ord. #217, adopted July 2012.

immediately humanely euthanized. In no event shall the determination as to disposition of the animal be delayed beyond forty-eight (48) hours after it is determined that said animal should, for humane reasons, be immediately destroyed by humane euthanasia.

(as added by Ord. # 272 , June 2019)

10-102. Definitions.

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

Abandon means forsake, desert or absolutely give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to provide one (1) or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.

Adequate care or *care* means the reasonable practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering, disease, or the impairment of health.

Adequate exercise or *exercise* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

Adequate feed means the access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal without duress or competition; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space means sufficient space to allow each animal to (i) easily stand sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three (3) times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four (24) hour period.

Adequate veterinary care means to provide medical care to alleviate suffering, prevent disease transmission, maintain health, and provide available care to prevent diseases through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every eight (8) hours, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternate source of hydration consistent with generally accepted husbandry practices.

Adoption means the transfer of ownership of a dog or cat from a releasing agency to an individual.

Agent means that person or persons responsible for the animal control services within the City of Lakesite; agent is synonymous in most contexts herein with "animal services officer" (ASO) and with "animal center".

Agricultural animals means all livestock and poultry.

Altered means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Ambient temperature means the temperature surrounding the animal.

Animal means a living organism characterized by voluntary movement except human beings and plants.

Animal act means any performance of animals where such animals are trained to perform some behavior or action or are part of a show or performance.

Animal center means any contractor or agent with which the city contracts to perform the tasks, duties, responsibilities or actions provided for in this Lakesite Animal and Fowl Control Ordinance.

Animal hoarder means a person who possesses a large number of animals and (i) fails to or is unable to provide adequate care as defined in this chapter or (ii) keeps animals in severely overcrowded conditions where they are unable to be in a state of good health or (iii) displays the inability to recognize or understand the nature of, or has the reckless disregard for the conditions of the animals or (iv) is living in unsanitary, unhealthful or potentially dangerous conditions due to the inability to provide adequate care as defined in this chapter.

Animal services officer or *ASO* means a person legally sworn and appointed as an animal services officer that is authorized by the city manager and or as may be employed by the animal center, and or by the city's "agent" to carry out the duties imposed by this chapter and or by state law.

Animal shelter means any premises designated by the city or the animal services center for the purpose of impounding and caring for all animals found at large or otherwise subject to impoundment in accordance with the provisions of this chapter.

At large means an animal not contained behind an adequate fence or within an adequate enclosure or under the control of a person physically capable of restraining the animal, or an animal not controlled by a leash or tether no more than six (6) feet in length and appropriate for the size, age and weight of the animal.

Attack means attack by an animal off its owner's property in a vicious, terrorizing or threatening manner or in an apparent attitude of aggression; "attack" does not include any actions by an animal in defense of itself or its owner or keeper against aggression by a person or an animal.

Barking dog - See section 10-401, et seq., infra.

Breeder means anyone who either for the betterment of the chosen breed or for financial gain "sells, trades or offers to sell" a litter of dog or cats produced from a dog or cat that they do not intend to have spayed or neutered.

Cattery means any enclosure, premises, building structure, lot or area, in or on which eight (8) or more cats at least three (3) months of age are kept, bred, harbored or maintained. The owner must apply for a cattery license and meet the standards of husbandry described in this chapter. Space requirements, sanitation and proper vaccinations and veterinary care are required by this section. Both kennels and catteries will be subject to at least annual inspection by the agents animal center with emphasis placed on sanitation, vaccination records, absence of disease and humane operation.

City manager means the then serving and duly appointed city manager and/or, in context, his or her duly authorized designee.

Collar means a well fitted device appropriate to the age and size of the animal, constructed of nylon, leather, or similar material, and attached to the animal's neck in such a way as to avert trauma or injury to the animal.

Companion animal means any domestic or feral dog, domestic or feral cat, guinea pig, small domesticated mammal, rabbit not raised for human food or fiber, miniature African pig, potbellied pig, exotic or aquatic animal, amphibian, reptile, exotic bird, or any feral animal or any animal under the care, custody or ownership of a person or any animal which is bought, sold traded or bartered by any person. Agricultural animals, game species, or any animal regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Curbside sale means any attempt to sell barter, trade or adopt any companion animal on a public or private street, parking lot, or location.

Dangerous dog means any dog that, according to the records of an appropriate authority:

(1) Inflicts a severe injury on a human being without provocation on public or private property; or

(2) Bites, attacks, scratches or endangers the safety of a human being without provocation after the dog has been classified as a potentially dangerous dog.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be considered a dangerous dog or potentially dangerous dog for the purposes of this chapter.

A dog shall not be a dangerous dog or a potentially dangerous dog if the injury inflicted by the dog was sustained by a person who at the time, was committing a willful trespass or other tort, or was physically tormenting the dog, or was committing or attempting to commit a crime.

Dog means any member of the animal species *canis familiar's* or any animal which is a crossbreed of any animal that is a member of the *canis familiar's* species, not including, wolf/dog crossbreeds and wolf hybrids.

Dealer means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barters companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

Direct and immediate threat means any clear and imminent danger to the health, safety, or life of an animal or person as would be perceived by a reasonable person.

Domestic animal means any animal that may be legally possessed by a person and is commonly kept as a pet in or around a residence, outbuildings or business.

Dump means to knowingly abandon, desert, forsake, or absolutely give up without having secured another owner or custodian; any dog, cat, or other companion animal in any public place including the right-of-way of any

public highway, road or street or on the property of another including but not limited to an animal shelter, veterinary hospital or animal welfare facility.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

Foster care provider means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

Foster home means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

Groomer means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog means any member of the dog family (*canidae*) which has been trained or represented as a dog trained to protect commercial property or placed on commercial property for the purpose of protecting such property or persons on such property.

Guard dog owner means any person, firm or corporation, which employs a guard dog to protect commercial property from unauthorized intrusion; for purposes of this definition, "owner" includes legal owner and any person, firm or corporation who, through arrangement or contract, has secured the use of a guard dog to protect commercial property from unauthorized intrusion.

Guard dog purveyor means any person, firm or corporation supplying guard dogs to members of the public.

Guard dog trainer means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

Home-based rescue means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) un-weaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

Impoundment means the placement of an animal in the custody of the agents animal center.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, hunting, training for a fee, or selling dogs or cats, except a facility operated by a humane society or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals.

Licensed veterinarian means a person licensed to practice veterinary medicine.

Livestock means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine (except potbellied pigs), goats, and poultry.

Menacing fashion means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

Microchip means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

Microchipping means the implanting of a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

Minor injury means an injury in which the victim suffers pain as a result of an attack by an animal but which does not produce any broken bone, bleeding or death on the part of the victim.

Mischievous animal means any companion animal that causes a public nuisance.

Neglect means any of the following:

(1) Failing to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;

(2) Failing to provide an animal with adequate living conditions as defined in this chapter (adequate feed, adequate water, adequate shelter, adequate space etc.);

(3) Failing to provide adequate veterinary care;

(4) Keeping any animal under conditions which increase the probability of the transmission of disease;

(5) Failing to provide an adequate shelter for an animal;

(6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory to suffer unnecessary neglect, torture, or pain; or

(7) Meeting the requirements of the definition of an animal hoarder.

Owner means any person, corporation, organization, group of persons or association that (i) has a property right in an animal; (ii) keeps or harbors animal; (iii) has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or (iv) by agreement with or with permission of the true owner of the animal, has an animal in his or her care or acts as a caretaker or custodian of an animal. "Owner" does not include the city animal shelter, non-profit animal sheltering facility, rescue organization, feral cat caretakers, a veterinarian or an operator of a grooming shop, kennel or pet shop engaged in the regular practice of said business.

Person means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder.

Pet dealer means any person or organization, other than a shelter or registered rescue organization, who engages in the business of selling, buying, brokering, or bartering of animals, whether such animals are located in the city or just offered for sale, barter, broker, etc., in the city.

Pet solid waste excrement from the bowels of the pet.

Potentially dangerous dog means any dog that without provocation bites, attacks, scratches, or endangers the safety of a human being on any public or private property; or any dog that attacks and kills, or severely injures another properly restrained companion animal while on private or public property.

Proof of ownership means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

Properly cleaned means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with these contaminants; the primary

enclosure is sanitized with sufficient frequency to minimize odors and the hazard of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Proper disposal means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

Proper enclosure means a place in which a companion animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve (12) and designed to prevent the companion animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the companion animal from escaping and shall also provide protection for the companion animal from the elements. The enclosure shall be of suitable size for the companion animal.

Properly fitted collar means the animal has a collar that measures the circumference of a neck plus at least one (1) inch.

Properly restrained means: (i) controlled by a competent person by means of a chain, leash, or other like device not to exceed six feet (6') in length; (ii) secured within or upon a vehicle being driven or parked; or (iii) kept within a proper enclosure. Properly restrained in or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

Provoke means to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an animal.

Public nuisance means any animal or group of animals that, by way of example and not of limitation, habitually:

(1) Damage, soil or defile community or neighborhood private or public property;

(2) Interfere with the ordinary use and enjoyment of a person's property;

(3) Turn over garbage containers or damage flower or vegetable gardens;

(4) Cause unsanitary or offensive conditions;

(5) Impede the safety of pedestrians, bicyclists, or motorists;

(6) Meet the requirements of the definition of "barking dog"; or

(7) Are allowed to remain an unaltered free roaming cat.

Reasonable period means a period of time not to exceed twelve (12) hours in a twenty-four (24) hour period.

Records of an appropriate authority means records of any state, county or city law enforcement agency; records of any county or city animal control agency; records of any county board of health or records of any federal, state or city court.

Releasing agency means an animal shelter, humane society, and animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or rescue that releases companion animals for adoption.

Registered rescue organization means any person or organization, that is not acting for profit, and that rescues animals from a variety of sources and places them through adoption with new owners.

Relinquish means giving up all rights to said animal including future knowledge of the disposition of the animal.

Sanitary conditions means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

Severe injury means any injury in which the victim suffers pain as a result of an attack by an animal and which includes any broken bone, bleeding, disfiguring lacerations requiring multiple sutures or cosmetic surgery, or death on the part of the victim.

Stray means any animal: (i) which is at large; (ii) which appears to be lost, unwanted or abandoned; or (iii) whose owner is unknown or not readily available.

State of good health means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

Sterilize or *sterilization* means a surgical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Tether or *tethering* means the restraint and confinement of a dog by use of a restraint device.

Torture or *torment* means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

Under control means an animal is securely confined in a fenced enclosure on the property of owner or keeper of the animal provided such an enclosure prevents the animal from leaving the property of the owner or keeper of the animal. An animal is also under control:

(1) When the animal is located on the property of the owner or keeper of the animal and is secured by means of a leash or tether which prevents the animal from leaving the property of the owner or keeper of the animal.

(2) When the animal is secured by means of a leash held by a person of suitable age and discretion.

Weaned means an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

(as added by Ord. # 272 , June 2019)

10-103. Seizure of at-large animals upon return to property.

An animal services officer or law enforcement officer may, upon viewing an animal at large and upon the animal's return to its legal property, impound such animal off its property for safe keeping if, in the opinion of the officer:

(1) There is no way to ensure the animal's confinement to the property if the officer would leave it there to await the owner's return,

(2) It could present a danger to the public, traffic or other animals if left until the owner returns.

(3) The animal is not considered to be under control at the time of the impoundment, a notice of impound shall be posted in a place that would be visible from the public right-of-way or the front door or entrance, and it shall state the procedure to redeem such animal. This section does not authorize the entry into any building on the property nor the removal, without a search warrant or owner's written permission, of any animal from any building on the property.

(as added by Ord. # 272 , June 2019)

10-104. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest officers of the agents animal center, law enforcement officers, or veterinarians in the performance of any duty authorized by this chapter or to seek to release any animal in the custody of the agents animal center except as otherwise specifically provided herein.

(as added by Ord. # 272 , June 2019)

10-105. Care of impounded animals.

Any animal shelter shall take proper care at all times of all animals held in custody and shall provide such animals with adequate food, water, care, and shelter.

(as added by Ord. # 272 , June 2019)

10-106. Redemption by owner.

The owner of any animal confined in the agents animal center may, before the expiration of the legal holding period, redeem the same upon payment of the assessed fees and production of proof of ownership satisfactory to the agents animal center of his or her ownership of the animal.

(as added by Ord. # 272 , June 2019)

10-107. Disposition of fees and proceeds of sales collected by agents animal Center.

All fees and the proceeds of the sale of animals shall be collected by the animal center unless otherwise provided by contract approved in advance by the city commission.

(as added by Ord. # 272 , June 2019)

10-108. Animal services officer.

Upon written request by the director of agents animal center and upon background investigation, the city manager may issue unto the officers named in such request commissions as special police officers of the city to enforce the provisions of this chapter. The holders of such commissions shall have, possess and exercise every power granted by such commissions but such special policemen shall not be regular police officers of the city nor shall they be entitled to any benefits afforded regular police officers of the city.

(as added by Ord. # 272 , June 2019)

10-109. Enforcement of chapter; obstructing enforcement.

The agents animal center and/or the Lakesite Police Department and/or the city manager or his/her designee shall enforce the provisions of this chapter and shall have the powers to issue citations for violations thereof. It shall be unlawful for any person to hinder, molest or interfere with agents animal center personnel or such other persons authorized hereby in the performance of their duties hereunder.

(as added by Ord. # 272 , June 2019)

10-110. Setting humane animal traps and authority to receive trapped animals.

The agents animal center or other person(s) authorized by sections 10-8 and 10-9 hereof, are authorized to place, upon request, live-capture animal traps on private property with the permission of the owner or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other

than an animal services officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. The agents animal center is authorized to receive and impound animals that are trapped by other agencies or persons.

(as added by Ord. # 272 , June 2019)

10-111. Duty to report shows and entertainment involving live animals to agents animal center; presence of animal services officer at shows involving animals; penalty for violation.

(1) The owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall notify in writing the agents animal center and to the city manager's office of such intent not less than thirty (30) calendar days in advance of such show or entertainment. An administrative fee of one hundred dollars ($100.00) per event shall be payable to agents animal center and accompanying the required form of notification.

(2) No owner of any auditorium, theater or other facility open to the public in which any person or other entity intends to have a show or other entertainment involving live animals shall permit or allow any such show or entertainment in the absence of an officer or employee of the agents animal center, except as provided in subsection (c) below.

(3) The agents animal center, upon receiving such notice, shall have one (1) or more of its officers or employees present at the arrival, departure and/or presentation of such show or other entertainment in order to ensure compliance with the provisions of this chapter, provided that the agents animal center may, in its discretion, elect not to attend such show or entertainment and shall notify the owner *or* representative who has provided the aforesaid notification of such election in writing, and in such event no such owner shall be deemed to have violated the provisions of this section.

(4) This section does not apply to dog shows, cat shows or other similar events involving animals being judge or exhibited.

(as added by Ord. # 272 , June 2019)

10-112. Inspections.

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, an animal services officer or police officer or designee of the city manager is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows:

(1) If such property is occupied, the officer shall first present proper credentials to the occupant and request permission to enter, explaining his reasons therefore;

(2) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request permission to enter, explaining his reasons therefore; and

(3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal services officer, police officer

or designee of the city manager shall seek to obtain a warrant from the municipal judge or the General Sessions Court of Hamilton County, Tennessee, to conduct a search of the property.

(as added by Ord. # 272 , June 2019)

CHAPTER 2. IN GENERAL, IMPOUNDING

10-201. Authority to go upon private property.

An agent of agents animal center or any authorized person pursuant to section 10- 9 of this ordinance, can pursue any animal for the purposes of enforcing the provisions of this chapter over open property or open fields unless requested to leave by any owner of the property. Any agent of the agents animal center, police officer, peace officer, or other employee of the city under the control and supervision of the aforementioned persons shall have the right to go on unfenced or unposted private property within the City of Lakesite for the express purpose of enforcing the provisions of this chapter provided it is necessary or expedient for such purpose.

(as added by Ord. # 272 , June 2019)

10-202. Animals at large.

(1) It shall be unlawful for any person to allow any unrestrained animal belonging to him or under his control or habitually found on premises occupied by him or immediately under his control to go unrestrained or be allowed to be not directly under control. Any animal found running at large in violation of this section and any animal required to be licensed found at large unlicensed is declared to be a nuisance and liable to seizure and disposal as provided in this chapter.

(2) Any animal found at-large more than once in any twelve (12) month period shall be subject to seizure and/or impoundment. Such animal shall not be redeemed by any person until such animal is spayed or neutered. The owner or keeper of such animal shall be responsible for the expense of such spay/neuter. Spaying/neutering requirement will be waived upon a showing of proof of spay/neuter from a licensed veterinarian or if the owner or keeper provides a written statement from a licensed veterinarian stating that the spay/neuter procedure would be harmful to the animal.

(3) Estrous period. It shall be unlawful for any person owning or having ownership, possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period or in heat. During this period, the owner or person having possession of the animal must restrain the animal in a secure, roofed enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such dog or cat not so confined may be seized and impounded. Such animal shall not be redeemed by any person until such animal is spayed if the female animal is in heat at the time of impound as is determined by a licensed veterinarian. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved, if the owner is found to be in possession of a current breeder's permit.

(4) It shall be unlawful for any person to permit his or her animal, or an animal in such person's care, in any public park or recreation area, including pedestrian walkways and bridges, if there is posted in such park or recreation area a sign prohibiting such animals. Any animal found in a park or recreation area in violation of this section is declared to be a nuisance and liable to seizure and disposal as provided in this chapter.

(as added by Ord. # 272 , June 2019)

10-203. Animal causing unsanitary conditions; prohibited.

(1) It shall be unlawful for any person to allow an animal to cause unsanitary conditions within the city limits of Lakesite. This serves to require the proper disposal of pet solid waste in the City of Lakesite, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(2) All owners and persons are required to immediately and properly dispose of a pet's solid waste deposited on any property, public or private, not owned or possessed by that person which shall include, at a minimum, immediate placement of animal waste in a plastic bag, tying or sealing same, and placing the bag and contents in a garbage can or other suitable container.

(3) Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(4) The provisions of this chapter shall be enforced by the agents animal center, and Hamilton County Sheriff's Department and/or other designees of the city manager.

(5) Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine up to fifty dollars ($50.00) for each violation.

(as added by Ord. # 272 , June 2019)

10-204. Animal creating nuisance; prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance as defined by this chapter. The owner or custodian must keep the animal that has been determined by the agents animal center and/or by a law enforcement officer or the designee of the city manager to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the agents animal center director and/or the designee of the city manager declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to abate the nuisance. It shall be unlawful for the animal's owner or custodian to fail to comply with such instructions.

(as added by Ord. # 272 , June 2019)

10-205. Keeping stray animals; failure to surrender stray animal.

It shall be unlawful for any person in the city to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal which does not belong to such person without permission of the owner. Any person within twenty-four (24) hours from the time such animal came into his or her possession must surrender the animal to the agents animal center. Upon receipt an animal services officer shall take such animal and place it in the agents animal center for a required legal stray hold period of five (5) days. If such animal is not reclaimed after five (5) days, the person may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the five (5) days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said five (5) days.

(as added by Ord. # 272 , June 2019)

10-206. Impounding, destruction of violating animals authorized.

(1) The agents animal center shall take up and impound any animal found running at large and/or in violation of this chapter.

(2) If, in the attempt to seize an animal, it becomes impossible to do so with the hands, any animal services or law enforcement officer, being convinced that seizure of the animal is necessary to public welfare by reason of its viciousness or infection with rabies, may, at his or her discretion, tranquilize the animal, discharge his or her Taser, Mace or a police officer may dispose of the animal by shooting it.

If any animal so impounded is found to be neonatal, suffering in pain, sick, injured, contagious, carrying a zoonotic disease or vicious, the animal may be immediately destroyed in a humane manner as provided in section 10-28.

(3) Excluding owner-relinquished animals, if the agents animal center takes custody of a domestic animal pursuant to this chapter, the agents animal center shall give notice of such seizure by posting a copy of it at the property location at which the animal was seized or and at the property at which an agents animal center officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

(as added by Ord. # 272 , June 2019)

10-207. Care while in custody.

Any animal care facility including any animal shelter shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping intact males and females and vicious dogs in separate kennels or cages and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding.

(as added by Ord. # 272 , June 2019)

10-208. Notification of impounding.

Immediately upon impounding an animal, the agents animal center or its designee shall give notice by postcard or letter sent certified by United States mail to the address of the owner, if known, within two (2) business days after the seizure of such animal. The letter or postcard shall inform such owner of the conditions whereby the animal may be redeemed. Notification by mail shall not be required for animals which have been impounded pursuant to this chapter if a citation has been issued to the owner or for owner-relinquished, abandoned or quarantined animals or wildlife.

(as added by Ord. # 272 , June 2019)

10-209. Redemption of impounded animals by owner; fees.

(1) The owner of a dog or cat may claim and redeem it upon payment of the license fee required by this Chapter and an impound fee of twenty dollars ($20.00) plus board for each day such dog or cat has been kept at the agents animal center at the rate of ten dollars ($10.00) per day; provided, however, that, upon the second and subsequent offenses, for a licensed or unlicensed dog or cat, the above fee shall be fifty dollars ($50.00) in addition to the board of ten dollars ($10.00) per day as set out above. All veterinary costs and/or other costs incurred as a result of impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the agents animal center.

(2) All owners of livestock may claim and redeem such animal by paying the agents animal center an impound fee of fifty dollars ($50.00) and board for each day at the rate of ten dollars ($10) per day plus the cost of any transportation of the animal to the shelter. Such costs as well as all veterinary costs and or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full regardless of whether the animal is reclaimed or relinquished to the agents animal center.

(as added by Ord. # 272 , June 2019)

10-210. Disposition of unclaimed dogs or cats.

Any currently licensed or otherwise identified dog or cat impounded shall be kept for a period of ten (10) days after certified notice is mailed to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of as provided by law.

Any unlicensed dog or cat impounded with no detectible identification shall be kept for five (5) business days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of as provided by law.

(as added by Ord. # 272 , June 2019)

10-211. Detention when rabies suspected.

Every animal determined or reasonably suspected by the Health Director of the Hamilton County Health Department or any authorized officer thereof and/or by the agents animal center and/or by any person otherwise authorized by section 10-9 of this title to pose a risk of rabies and every animal that has bitten a human and/or been exposed to rabies or is suspected of having rabies shall be, at the direction of the director of health, quarantined for a minimum period of ten (10) days at the owner's home or at the agents animal center or, at the option of the owner of such animal, shall be detained in a licensed veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the director of health or his designee, and it shall be released or, if the animal is determined by a veterinarian or the director of health or his designee to have rabies, humanely destroyed by the agents animal center after the termination of the observation period according to instructions from the director of health. The director of health may order the agents animal center to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. The owner of such dog or cat shall be liable for board fees in the amount of ten dollars ($10.00) per day if such dog or cat is confined at the agents animal center. Such costs as well as all veterinary costs and/or other costs incurred as a result of the impound shall be the responsibility of the owner and shall be required to be paid in full whether the animal is reclaimed or relinquished to the agents animal center.

(as added by Ord. # 272 , June 2019)

State law reference(s)—T.C.A. §§ 68-8-101—68-8-113.

10-212. Procedure with respect to redemption or adoption of animals.

(1) No person shall adopt a dog or cat from an agency, including but not limited to an agents animal center, dog pound, animal control agency, humane shelter or private organization operating a shelter from which animals are adopted or reclaimed, unless:

   (a) The dog or cat has first been spayed or neutered; or

   (b) The new owner signs a written agreement with the agency stating that he or she will have the animal spayed/neutered within thirty (30) days after adoption of such animal if the animal is at least six (6) months of age or to be done by the age of six (6) months.

(2) The agency shall have the authority to require deposits from the new owner in order to ensure that the animal is spayed or neutered. The deposit shall not be less than twenty-five dollars ($25.00). Any deposits unclaimed after a period of six (6) months from the date due for surgery and in which time reasonable efforts have been made to ensure compliance, shall be deemed to be forfeited and shall only be used for the altering of animals. The provisions of this subsection shall not apply to persons selling or giving away animals from a residence, business or retail facility.

(3) All dogs and cats adopted from the agents animal center shall be vaccinated against rabies prior to adoption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars ($25.00) shall be collected from the person adopting the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four (4) months of age. In the alternative, a person adopting a dog or cat may prepay the cost of such vaccination at the agents animal center; such person must obtain the vaccination within fifteen (15) days of the adoption of such dog or cat if the animal is over three (3) months of age or within fifteen (15) days of the dog or cat reaching three (3) months of age.

(4) Except for dogs and cats for which the owner can provide proof of vaccination, all dogs and cats redeemed from the agents animal center shall be vaccinated against rabies prior to redemption, provided that if the dog or cat is less than three (3) months old a deposit of not less than twenty-five dollars ($25.00) shall be collected from the person redeeming the animal, which shall be refunded upon presentation of proof of rabies vaccination within fifteen (15) days of the animal reaching four (4) months of age.

(as added by Ord. # 272 , June 2019)

10-213. Immediate placement for adoption or destruction of animal surrendered by owner.

An animal surrendered by its owner to the agents animal center may be immediately placed for adoption or humanely destroyed in the discretion of the agents animal center director or the director's designee when the owner:

(1) Affirmatively represents by affidavit that he or she is in fact the legal owner of said animal;

(2) Agrees to hold the City of Lakesite, agents animal center and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and

(3) Transfers ownership of said animal to the city or animal center.

(as added by Ord. # 272 , June 2019)

10-214. Notice of seizure of animal.

Excluding owner-surrendered animals, if the agents animal center takes custody of a domestic animal pursuant to this chapter, the division or its designee shall give notice of such seizure by posting a copy of it at the property location in the City of Lakesite at which the animal was seized or and at the property at which an animal services officer reasonably believes the animal may reside or by delivering it to a person residing on such properties within two (2) business days of the time the animal was seized.

(as added by Ord. # 272 , June 2019)

10-215. General duties of keepers of animals.

(1) *Unlawful conduct.* It shall be unlawful for any person to neglect an animal as neglect is defined in this chapter.

(2) *Breeding and reproduction of diseased animals prohibited.* A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away or allow the reproduction of that animal with a disease contagious to other animals or human beings. Breeding of animals in the city limits shall not be permitted without first obtaining a breeder's permit pursuant to this chapter. Each offspring shall be considered a separate violation.

(3) *Abandonment.* It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to abandon that animal on a street, road, highway, public place, agents animal center or private property. Each animal abandoned in violation of this section shall be considered a separate violation.

(4) *Public nuisance.* It shall be unlawful for any person to allow any animal under his or her care or control to become a public nuisance as defined in this chapter.

(as added by Ord. # 272 , June 2019)

10-216. Destruction of dangerous, diseased or injured animals.

(1) It shall be the duty of the executive director of the agents animal center to order the humane destruction of any animal lawfully taken into the custody of the agents animal center if it is deemed more humane to euthanize such animal than hold it for the required holding period due to sickness, disease, injury or danger to the safety of the community. If the animal to be euthanized under this section is wearing an identification, rabies or license tag, the owner shall be notified before the animal is euthanized unless the animal is in critical condition and the owner cannot be reached within a reasonable period of time in which event a veterinarian may authorize euthanasia of the animal for humane reasons.

(2) The executive director may issue either a verbal authorization followed by written confirmation or written authorization for such humane destruction.

(as added by Ord. # 272 , June 2019)

10-217. Exemption from chapter.

This chapter does not apply to certified and trained dogs owned and utilized by any law enforcement agency during work-related activities.

(as added by Ord. # 272 , June 2019)

CHAPTER 3. LICENSING, PERMITTING, AND INOCULATION OF DOGS AND CATS

10-301. City license required; exception.

(1) The owner of every dog and cat over the age of three (3) months in the city shall obtain a license for such dog or cat from the city's agent. The license or renewal thereof shall state the sex, breed, age, color and name of the dog or cat, together with its markings, if any, the name and address of the owner and the date of registration. Owners of dogs or cats who have failed to obtain a license for their animals and owners of dogs or cats who have failed to renew the license of their animals within thirty (30) days of the date of license expiration shall be deemed delinquent and shall be subject to an additional late fee of twenty dollars ($20.00) per dog or cat in addition to the regular license fee and in addition to any fines imposed upon such owners by a court of competent jurisdiction.

(2) The provisions of this section shall not apply to:

(a) Nonresidents of the city who are traveling through the city or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats into the city exclusively for show or exhibition purposes.

(b) An animal rescued by a registered rescue organization (as defined in this chapter) for a period of one (1) year from the intake/rescue of such animal.

(3) The city's agent shall issue a metal license tag for each dog or cat registered as provided herein, marked "Registered, [date], Lakesite, No. —-." Such tag shall be fastened to the dog's or cat's collar and worn by the dog or cat at all times. Breakaway collars are recommended when tags are affixed to collars worn by cats. It shall be unlawful for any person to use a tag on a dog or cat for which such tag was not issued. License tags issued to dangerous dogs and to potentially dangerous dogs shall be of a distinctive color different from regular license tags and different from each other.

(as added by Ord. # 272 , June 2019)

10-302. License fees.

(1) Subject to the provisions of subsection (b) below, the annual license fee for dogs and/or cats shall be ten dollars ($10.00) each; provided, that a surcharge of an additional forty dollars ($40.00) annually shall be levied against all dogs and cats which are not neutered. The license will be valid from January 1st to December 31st as long as a legal rabies vaccination is kept current. Licenses for up to three (3) animals that are neutered and owned by senior citizens over age sixty-five (65) shall be free as long as the animals are current on rabies vaccinations. The city's agent is authorized to charge a fee of five dollars ($5.00) for each lost tag replaced. The animal center is authorized to charge a fee for implantation of microchips for the purpose of identification, registration and return of impounded pets to owners. Annual licenses will also be sold to participating licensed veterinarians by the animal center for resale to clients. Licensed veterinarians may add an additional two dollars ($2.00) convenience fee to each license fee the convenience fee will be retained by the participating veterinarian. The veterinarian will be required to submit a monthly report to the city's agent before the 5th day of each month, regarding the disposition of the licenses sold to his/her clients.

(2) The annual license fee for a potentially dangerous dog (PDD) as defined herein, shall be one hundred dollars ($100.00) each; provided, that a mandatory surcharge of an additional fifty ($50.00) shall be levied against all such dogs which are not spayed or neutered. The annual license fee for a dangerous dog (DD) shall be two hundred dollars ($200.00) each provided, that a mandatory surcharge of an additional fifty ($50.00) shall be levied against all such dogs which are not spayed or neutered. PDD and DD tags shall be of a distinctive color different from regular license tags and different from each other. The licenses for potentially dangerous dogs and dangerous dogs must be renewed by January 1st each calendar year. The license fees set forth in this subsection (b) apply to all potentially dangerous dogs and dangerous dogs regardless of ownership.

(3) The licenses, fees and taxes collected pursuant to this chapter shall be used by the city's agent for the purposes set forth in this chapter or otherwise provided by contract. The surcharge for unneutered dogs and cats shall be used exclusively for the sterilization of companion animals.

(4) The city commission may adjust, increase or decrease the fees or taxes to be paid and collected pursuant to this chapter by resolution of the city commission without the necessity of an amendment to this ordinance.

(as added by Ord. # 272 , June 2019)

10-303. Multiple-pet, pet/animal dealer, and breeder/kennel/cattery permits.

It shall be unlawful for any person or persons to own, keep, or harbor more than a total of four (4) dogs or four (4) cats at any individual property location. The limitation shall be four (4) dogs or four (4) cats, or any combination of dogs or cats not to exceed four (4) in number.

(as added by Ord. # 272 , June 2019)

10-304. Rabies inoculation required.

(1) Any person who owns keeps or harbors a dog or cat within the city shall have such dog or cat properly inoculated or immunized against rabies. Any person who obtains an uninoculated dog or cat shall at once have such dog or cat properly inoculated against rabies and have the first time inoculation repeated one (1) year thereafter; thereafter the duration of the rabies vaccination cannot exceed three (3) years and must be in accordance with manufacturer's recommendation provided that, dogs and cats need not be inoculated before reaching the age of three (3) months.

(2) No person shall bring a dog or cat into the city for sale, exchange, offer for adoption, or giving away from another state unless such dog or cat, being at least three (3) months of age, has been inoculated by a veterinarian of the state in which the owner, caretaker or responsible person lives and the owner, caretaker or responsible person of such dog or cat has in his/her possession a certificate of the vaccination or inoculation.

(as added by Ord. # 272 , June 2019)

10-305. Inoculation records required; tags.

Any veterinarian who inoculates or a dog or cat against rabies shall keep a record of such inoculation and shall provide the owner of the dog or cat with an approved tag, which shall have thereon, indelible or engraved, the year of inoculation and a number which shall correspond with the number on the record kept by the person inoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat.

(as added by Ord. # 272 , June 2019)

CHAPTER 4. BARKING DOGS

10-401. Definition.

As used in this chapter, "barking dog" means any dog which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital or creates any other noise that a reasonable person would find distressing or disruptive, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 15 minutes or more in any 24-hour period, or intermittent barking for thirty (30) minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked or is responding to an emergency.

(as added by Ord. # 272 , June 2019)

10-402. Barking dogs generally.

(1) It shall be unlawful for a barking dog to exist in the city as defined by this chapter.

(2) For purposes of this chapter, a person violates this section as follows:

(a) Allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

(b) A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.

(c) A person who is the owner of, or a person who is a lessee or sub lessee with the current right of possession of, real property in or upon which a barking dog violation occurs.

(d) For purposes of this section, "person" includes a natural person, legal entity, or the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

(e) For the purposes of this section, there may be more than one (1) person responsible for a barking dog violation.

(as added by Ord. # 272 , June 2019)

10-403. Citation for barking dog.

(1) The city's agent, animal services officers and police officers and other designees of the city manager have the authority to issue a citation to any person responsible for a barking dog violation if probable cause exists based upon the agent's investigation.

(2) A person who violates this chapter shall be liable for and shall pay to the City of Lakesite a fine as described in the barking dog citation when due or contest the citation.

(3) Prior to issuing a citation for a barking dog, the person responsible shall be given a ten (10) day warning period within which to correct the problem.

(4) Each day a barking dog violation exists shall be a separate violation and be subject to a separate citation and fine. A barking dog citation may include a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more Code sections.

(as added by Ord. # 272 , June 2019)

10-404. Barking dog citation contents.

Each barking dog citation shall contain the following information:

(1) Date on which a complaint or personal inspection established the barking dog violation(s);

(2) Name of the person responsible for the barking dog violation(s) (if known);

(3) Address where the barking dog violation(s) occurred;

(4) The code section(s) violated;

(5) How the violation(s) were established;

(6) Amount of the fine for the violation(s) and procedure to pay the fine;

(7) Designation of prior citations issued for the same code violation(s), if known by the animal services officer;

(8) Notification of an assigned court date, time and location where the fine may be contested;

(9) A notice that a barking dog violation is a nuisance and that collection of unpaid fines and/or penalties can result in additional fines;

(10) Signature of the animal services officer who issued the barking dog citation;

(11) Date upon which the barking dog citation was issued;

(12) Proof of service to be completed by the animal services officer indicating whether citation was issued by personal service, by mail, or by posting in a conspicuous place on the property where the barking dog violation occurred; and

(13) Any other information deemed necessary by the animal services officer for enforcement or collection purposes.

(as added by Ord. # 272 , June 2019)

10-405. Service of barking dog citation.

A barking dog citation may be served as follows:

(1) The city's agent, an animal services officer and/or police officer may personally serve the barking dog citation on the person responsible and or in possession of the premises from which the issue/problem arises.

(2) The city's agent, an animal services officer may mail the civil citation by certified mail, return receipt requested, if the property owner and/or occupier's name is known but the violator is not present when personal service is attempted. The citation shall be mailed to the address where the barking dog violation occurred.

(3) The city's agent, an animal services officer may post a copy of the barking dog citation in a conspicuous place on the property where the barking dog violation occurred if the property owner and/or occupier's name is unknown. In this event, the citation shall also be mailed addressed to the owner of the property where the barking dog violation occurred. A copy of the citation shall also be mailed within twenty-four (24) hours of posting the citation addressed to "resident" at the address where the barking dog violation occurred.

(as added by Ord. # 272 , June 2019)

10-406. Payment of barking dog civil fines.

(1) A person who receives a citation under this chapter may:

(a) Pay the fine in accordance with the instructions on the citation, directly to the City of Lakesite;

(b) Elect to contest the citation for the alleged violation in a hearing before the City of Lakesite municipal court, in accordance with instructions on the citation.

(2) To avoid additional penalties, fines for barking dog violations must be received within fifteen (15) days of the date they are due.

(3) Payment of a fine shall not excuse the violator from correcting the barking dog violation. The issuance of a barking dog citation and/or payment of a fee shall not bar the city from taking any other enforcement action regarding a barking dog violation that is not corrected including without limitation, requiring removal of the dog from the premises where the offense(s) occurred and upon failure to do so, the imposition of a penalty of up to fifty ($50.00) per day, each day being a separate offense, for failing to do so.

(as added by Ord. # 272 , June 2019)

CHAPTER 5. CRUELTY

10-501. Failure to feed and water impounded animals.

It shall be unlawful for any person who impounds or causes to be impounded any animal in any shelter or other place in the city to fail to supply to such animal during such confinement adequate care as defined in this chapter. If any animal is at any time impounded as provided herein, and continues to be without adequate care as defined in this chapter, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to

enter into and upon the premises where such animal is confined, and to supply it with necessary food and water so long as it remains so confined, and such person shall not be liable to any action for such entry.

(as added by Ord. # 272 , June 2019)

10-502. Transporting in inhumane manner.

(1) It shall be unlawful for any person in the city to carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner or to leave an animal in a vehicle in a manner so as to subject such animal to excessive heat.

(2) No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any city road, street, highway, lane or alley except as otherwise provided by this section.

(3) This section shall not apply to any person who transports a dog in any open truck or other open vehicle which is sufficiently enclosed by stakes, racks, or is equipped with other devices which prevent the dog from falling, hanging, or escaping from the vehicle.

(4) This section shall not apply to any person while engaged in agricultural livestock activities.

(as added by Ord. # 272 , June 2019)

10-503. Authority to prevent acts of cruelty; unlawful interference.

Any animal services officer or police officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence, and it shall be unlawful for any person to interfere with or obstruct any such officer in the discharge of such duty.

(as added by Ord. # 272 , June 2019)

10-504. Tethering dogs and other animals.

(1) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a more than a reasonable period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by an animal services officer.

(2) The terms "unhealthy situation" and "potentially dangerous situation" shall include, but not be limited to the following:

   (1) Tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object for longer than a reasonable time;

   (2) Tether any animal in such a manner as to permit the animal to leave the owner's property;

   (3) Tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;

   (4) Tether any companion animal in a manner whereby the animal is subject to harassment and perpetual stings or bites that show evidence of injury from outdoor insects, or attacks by other animals;

   (5) Failure to remove waste from the tethered area on a daily basis;

   (6) Allow more than one (1) animal to be tethered to each running cable or trolley line.

   (7) Use a tether that weighs more than one-fifth (⅕) of the animal's body weight.

(8) Tether, chain, attached to a running cable line or trolley system any animal between the hours of 10:00 p.m. and 6:00 a.m.;

(9) Use a running cable line or trolley system that is made of a substance which can be chewed by the animal;

(10) Use of a tether from the running cable line or trolley system to the animal's collar that prohibits access to food, water, and shelter as well as access to the maximum available area for adequate exercise;

(11) Tether an animal in any manner other that by using a properly fitted harness or collar. Said collar shall not be the same one used for the display of current rabies and/or license tags; and

(12) Tether an animal in a manner or location that would allow for (i) the tangling of the cable or tether; (ii) the extension of the cable or tether over an object or an edge that could result in injury or strangulation of the animal; or (iii) access by the animal to a fence.

(3) A person may do any of the following provided the dog does not become a nuisance to neighbors:

(a) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar or for longer than a reasonable period of time.

(b) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a recreational area.

(c) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.

(d) Tether, fasten, chain, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Tennessee if the activity for which the license is issued is associated with the use or presence of a dog.

(4) Nothing in this section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.

(as added by Ord. # 272 , June 2019)

10-505. Sale, barter or giving away of baby chickens, ducklings, other fowl or baby rabbits.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter or give away baby chickens, ducklings, or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, fowl or rabbits, or to bring or transport the same into the city, provided that, this shall not be construed to prohibit the sale or display of such baby chickens, ducklings, fowl or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for the purpose of commercial breeding or raising.

(as added by Ord. # 272 , June 2019)

10-506. Unattended animals left in automobile.

(1) A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.

(2) A person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

(a) A law enforcement officer or a designee of the city manager;

(b) A public safety employee of the state or of a local governing body;

(c) An animal control officer under the jurisdiction of the state or this city; or

(d) A volunteer or professional of a fire and rescue service.

(3) A person described in this section may not be held liable for any damages directly resulting from actions taken in good faith under the provisions this section.

(as added by Ord. # 272 , June 2019)

CHAPTER 6. DEAD ANIMALS

10-601. Disposition of large animals in city prohibited; exception.

It shall be unlawful for any person to bury any large dead animal in the city or to deposit the same upon the surface of the ground or throw it into any river, creek or other stream or any well, cistern, cellar or other excavation or to hide it in any culvert or other place or in any way to leave or dispose of it in the city or within one (1) mile of the corporate limits; provided that, the city's agent director or the director's designee may issue a permit for the disposal of large dead animals, under such regulations as the director and/or city manager may prescribe, in the city, at such places as will not, in his or her judgment, be detrimental to the public health or comfort.

(as added by Ord. # 272 , June 2019)

10-602. When owner or occupant to remove large animal from premises.

The owner or occupant of any premises in the city upon which any large animal dies or is found dead shall remove such animal, or cause the same to be removed, to some point more than one (1) mile beyond the corporate limits within six (6) hours from the time such animal dies, or is found dead, unless it dies or is found dead after 6:00 p.m., which it shall be removed before noon of the following day.

(as added by Ord. # 272 , June 2019)

10-603. Disposition of small animals.

All small dead animals shall be disposed of in a sanitary manner, but not placed in city provided waste receptacles. Animals may also be presented for euthanasia and cremation at the McKamey Animal center.

CHAPTER 7. TRAPPING ANIMALS

10-701. Definition.

As used in this chapter, "trapping" means taking, killing and capturing wildlife by the use of any trap, snare, deadfall or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls and other devices, whether or not such acts result in taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls or other devices.

(as added by Ord. # 272 , June 2019)

10-702. Poisoning or trapping animals.

It shall be unlawful to trap animals within the city limits of Lakesite unless a humane trap is used and the animal is humanely destroyed or relocated as is allowed by this chapter. This shall not be deemed to apply to setting traps for vermin in any house or other building or to apply to any licensed trapper removing nuisance or destructive wildlife. It shall be unlawful for any person to poison or trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any place outside of the buildings within the corporate limits of the city where companion animals may secure or encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method may be used. This provision shall not be construed to prohibit the trapping of wildlife in accordance with state law.

(as added by Ord. # 272 , June 2019)

CHAPTER 8. LARGE ANIMALS

10-801. Large animals—Record to be kept.

Whenever any large animal of any kind or any livestock is found which is required to be impounded, the city's agent shall take such animal to the animal shelter or other adequate holding facility and shall maintain a careful description of the animal, the precise date and time of day at which it was found and in what locality it was found. Such records shall always be open for inspection by the public under the supervision of the city's agent. The records of such large animals must be available to the public during normal animal shelter hours.

(as added by Ord. # 272 , June 2019)

10-802. Large animals—Notices of detention; sale.

On the next business day following the impounding of any large animal or livestock of any kind, the city's agent shall cause notices of the detention of the animal to be written, containing a full description and the particulars of the animal, and shall post at large two (2) of such notices at Lakesite City Hall in a conspicuous place and in the same notice shall recite that if not redeemed by the owner thereof within ten (10) days from the date of posting the notice, the animal will be sold at public auction to the highest bidder for cash at a day and hour specified in the notice or offered for adoption. Final legal disposition is at the discretion of the city's agent. All notices shall be numbered consecutively and the city's agent, shall retain and post a copy of each. If any large animal or livestock of any kind is not redeemed in the time specified in the notice of detention, it shall be sold by or at the direction of the city agent at the date and hour specified in such notice at public auction to the highest bidder for cash.

(as added by Ord. # 272 , June 2019)

10-803. Large animals—Disposition of animals not sold.

Unclaimed large animals or livestock not sold as provided in section 10-802 may be adopted by persons other than their owners upon payment of all accrued fees, and if not so adopted, may be humanely destroyed by the animal service division or otherwise disposed of.

(as added by Ord. # 272 , June 2019)

10-804. Keeping or possessing livestock, horses, swine, goats, roosters and similar animals.

(1) It shall be unlawful for any person to keep or possess livestock, horses, swine, goats, roosters and/or similar animals within the city on property other than agriculturally zoned land, unless such animals are kept on a tract of land of three (3) or more contiguous acres. Any such animals must be kept or maintained in a manner which does not constitute a nuisance, including foul or offensive odors.

(2) It shall be an affirmative defense to a citation under Section 10-77(a)(1) if the owner/occupant of any real property as to which a violation is deemed to occur establishes by satisfactory evidence that the particular type of animal(s) at issue have been located on the property for a continuous period of two (2) years or longer next preceding the date of enactment of this ordinance. As a non-exclusive example, the defense shall not be deemed established as to cattle, if present for less than three (3) years, even though horses and/or other animals herein listed may have been otherwise legally present on such property for the required number of years.

(3) This section shall not be construed to apply to persons possessing such animals for the purpose of being transported through the city, to such animals being kept and offered for sale at regularly operated stockyards or slaughterhouses, or which are located temporarily on property for the purpose of controlling kudzu or other invasive plants. This section shall also not apply to Miniature African Pigs or Pot-Bellied Pigs kept as house pets. In the event that the animals are kept for the purpose of controlling kudzu or other invasive plants, the property owner must meet the requirements of section 10-804(d).

(4) Any animals brought in temporarily to privately own non-agricultural zones for the purpose of controlling kudzu or other invasive plants shall be subject to the following requirements:

   (a) The animals shall be managed and monitored by a person who is a certified goat browsing contractor or an appropriate contractor with equivalent certification, and who carries a minimum of one million and 00/100 dollars ($1,000,000.00) of liability insurance.

   (b) The owner of the property to be browsed by the animals shall obtain written permission from the owner of the property through which the animals must gain access to the area to be browsed by animals, at least ten (10) business days prior to beginning operation. The use of animals shall be accomplished in a non-threatening manner, and shall be maintained so as not to infringe upon surrounding neighbors.

   (c) The area to be browsed by animals shall be measured, staked, and appropriately fenced.

   (d) The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.

   (e) The animals shall be used for controlling kudzu or other invasive plants only and shall be removed when seasonal control has been established.

(f) Property owners shall remove and properly dispose of droppings from cattle, goats, or sheep, as needed, to prevent accumulation, to avoid a health or sanitation problems, or the breeding of flies, and to prevent discharge into the storm water system.

(g) The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent storm water run-off or in creating water quality issues.

(h) Any private landowner who uses animals to control kudzu shall obtain a permit from the city manager or his designee after review by the city's agent. The permit fee shall be fifty dollars ($50.00) and shall be valid for one (1) growing season (April 1st through October 31st) and as long as the permit holder remains in compliance with this ordinance. Any such permit may be revoked by the city manager or by the director of public works upon satisfactory evidence that the requirements of section 10-804(d) are not being complied with by the property owner or the contractor.

(i) Once a permit is obtained by the landowner, the landowner will be given the list of certified goat browsing contractors. The landowner must contract with one (1) of the list of certified goat browsing contractors or with an approved contractor with equivalent certification. All goat browsing or equivalent contractors shall have a current city business license.

(j) An inspection shall be conducted before the permit is approved. Another inspection shall be conducted before animals are placed on the property to ensure proper fencing has been established. Interim inspections may be conducted to determine if the contractor is complying with section 10-804(d). A final inspection will be required after the browsing project is complete to ensure that the animals are removed from the site and any temporary fencing is dismantled.

(as added by Ord. # 272 , June 2019)

10-805. Horses, mules prohibited on sidewalks.

It shall be unlawful for any person to permit any horse or mule in his custody to go upon any sidewalk in the city. This section shall not apply to law enforcement in the official performance of their duties.

(as added by Ord. # 272 , June 2019)

10-806. Livestock at large prohibited.

It shall be unlawful for any person owning or controlling any bovine, swine, ratites, cattle, horses, mules, sheep, or goats to:

(1) Allow such animals to run at large in the streets (see T.C.A. § 44-8-401); or

(2) Or on any privately-owned land in the city without the permission of the owner of such land.

Except as otherwise might be allowed by this ordinance or state law.

(as added by Ord. # 272 , June 2019)

10-807. Dangerous, mischievous animals at large prohibited.

It shall be unlawful for any person owning or controlling a dangerous or mischievous animal to permit such animal to run at large in the city.

(as added by Ord. # 272 , June 2019)

10-808. Fowl running at large, trespassing prohibited.

It shall be unlawful for the owner of any chicken or other fowl to permit it to run at large or upon the premises of any other person in the city.

(as added by Ord. # 272 , June 2019)

10-809. City declared wild bird sanctuary; acts prohibited.

The entire area embraced within the city is hereby designated as a sanctuary for wild birds. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or to rob any bird's nest. When any species of wild bird is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, and if such are declared by qualified authorities to be creating a public nuisance and the city manager or his designee is so informed, appropriate action may be taken by duly constituted officials after a thorough investigation. Trapping or killing of such birds shall not be resorted to unless Audubon societies, or other humane societies are unable to find a satisfactory alternative. Legal permitted hunting through the State of Tennessee is expressly exempted from this provision.

(as added by Ord. # 272 , June 2019)

CHAPTER 9. DANGEROUS AND POTENTIALLY DANGEROUS DOGS

10-901. Findings.

The necessity for the regulation and control of dangerous and potentially dangerous dogs is requiring regulation.

(as added by Ord. # 272 , June 2019)

10-902. Citation for designation of dangerous dog or potentially dangerous dog; hearing; designation of dangerous dog or potentially dangerous dog; imposition of conditions; no change of ownership pending hearing.

(1) If an animal services officer or a law enforcement officer has investigated and determined that there is probable cause to believe that a dog is potentially dangerous or dangerous, a citation shall be issued for the owner to appear in city court for the purpose of determining whether or not the dog in question should be designated as a potentially dangerous dog or dangerous dog. Except by agreement of the respondent and counsel for the city and with the approval of the judge, the hearing shall be held not less than five (5) nor more than fifteen (15) business days after service of citation upon the owner or keeper of the dog.

(2) The court shall designate a dog as a "potentially dangerous dog" if the court finds, upon a preponderance of the evidence, that the dog:

   (a) has, without provocation, chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

   (b) Has attempted to attack or has attacked a person or domestic animal within the prior 18-month period while on or off the property of its owner; or

   (c) Has within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(d) Has when unprovoked while on or off the property of its owner, bitten a person or a domestic animal causing a minor injury.

(e) Or has engaged in other comparable conduct.

(3) The court shall designate a dog as a "dangerous dog" if the court finds, upon a preponderance of the evidence, that the dog:

(a) Has, without provocation on two (2) or more occasions chased or approached a person in either a menacing fashion or an apparent attitude of attack within the prior 18-month period while that dog was off the property of its owner; or

(b) Has attempted to attack or has attacked a person or domestic animal on two (2) or more occasions within the prior 18-month period; or

(c) Has within the prior 18-month period while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or

(d) Has when unprovoked while off the property of its owner, bitten a person or a domestic animal causing a severe injury; or

(e) Has previously been declared a potentially dangerous dog but has not been kept in compliance with any restrictions placed by the city court judge upon the owner of such dog; or

(f) Has been owned, possessed, kept, used or trained in violation of T.C.A § 39-14-203; or

(g) Has engaged in other comparable conduct.

(4) No dog may be declared potentially dangerous or dangerous as a result of injury or damage if at the time the injury or damage the victim of the injury or damage (i) was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog; (ii) was teasing, tormenting, abusing or assaulting the dog, or (iii) was committing or attempting to commit a crime. No dog may be declared potentially dangerous or dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack. No dog may be declared potentially dangerous or dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be declared potentially dangerous or dangerous if injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was appropriate to the work of the dog.

(5) Upon designating a dog as a dangerous dog or a potentially dangerous dog, the court shall impose the restrictions on the owner of such dog as set forth in this chapter and may impose such additional restrictions on the respondent as are appropriate under the circumstances of the case. The court shall reduce such restrictions to writing and have them served on the respondent.

(6) It shall be unlawful for any person who is subject to any such restrictions to fail to comply with such restrictions.

(7) It shall be unlawful for any person who has been served with a citation to appear in city court for the purpose of determining whether such person's dog should be designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog until after the city court has issued a ruling on such a citation. It shall be unlawful for any person whose dog has been designated as a potentially dangerous dog or dangerous dog to transfer ownership of such dog to another person without (1) having advised such other person that the dog has been designated as a potentially dangerous dog or dangerous dog and (2) having advised such other person in writing of the restrictions that have been placed upon such dog.

(as added by Ord. # 272 , June 2019)

10-903. Notice of designation.

Within ten (10) working days after a hearing conducted pursuant to this chapter, the owner or keeper of the dog, if absent from the hearing, shall be notified by the city court in writing of the decision of the court and of any restrictions imposed upon the respondent, either personally through MAC or by first-class mail, postage prepaid. If a dog is declared to be potentially dangerous or dangerous, the owner or keeper shall comply with all restrictions imposed by this chapter and by the city court.

(as added by Ord. # 272 , June 2019)

10-904. Impoundment and abatement of potentially dangerous dog or dangerous dog.

(1) If upon investigation it is determined by the animal services officer or law enforcement officer that probable cause exists to believe a dog poses an immediate threat to public safety, then the animal services officer or law enforcement officer may immediately seize and impound the dog pending a hearing to be held pursuant to this chapter. At the time of an impoundment pursuant to this subsection or as soon as practicable thereafter, the officer shall serve upon the owner or custodian of the dog a notice of a hearing to be held pursuant to this chapter to declare the dog dangerous or potentially dangerous.

(2) The city's agent, any animal services officer and/or any police officer may impound any potentially dangerous dog or dangerous dog if the animal services officer has reasonable cause to believe that any of the mandatory restrictions upon such dog are not being followed if the failure to follow such restrictions would likely result in a threat to public safety. The owner or custodian of a potentially dangerous dog or dangerous dog shall surrender such a dog to any animal services or law enforcement officer upon demand. In the event such a dog is impounded, the animal services officer shall serve a citation upon the owner of such dog for violation of the provisions of this chapter.

(3) If a dog has been impounded pursuant to subsection (a) or subsection (b), the city's agent may permit the dog to be confined at the owner's expense in a veterinary facility pending a hearing pursuant to this chapter, provided that such confinement will ensure the public safety. Notwithstanding any other provision of this chapter, the daily boarding fee for a dog impounded pursuant to subsection (a) or subsection (b) shall be ten dollars ($10.00).

(4) No dog that has been designated by the court as a dangerous dog or potentially dangerous dog may be released by the city's agent or a veterinarian until the owner has paid all veterinary costs and all other fees and costs of the animal center that are normally charged to an owner prior to redemption of the animal. If the owner fails to pay such fees and costs and take possession of the dog within ten (10) days of the owner's receipt of notice of the designation of the dog as a dangerous dog or potentially dangerous dog, the dog shall be deemed to have been abandoned and may be disposed of by the city's agent. Euthanasia or surrender to the city's agent of such a dog does not free the owner of responsibility for all cost incurred up to and including the date of the euthanasia or surrender.

(as added by Ord. # 272 , June 2019)

10-905. Possession unlawful without proper restraint; failure to comply with mandatory restrictions.

It is unlawful for a person to have the custody of or own or possess a potentially dangerous dog or a dangerous dog that is not properly restrained. It is unlawful for a person to have the custody of or own or possess

a potentially dangerous dog or a dangerous dog unless such person is in full compliance with all restrictions placed upon such person by the court that has designated such dog as a potentially dangerous dog or a dangerous dog.

(as added by Ord. # 272 , June 2019)

10-906. Mandatory restrictions on potentially dangerous dogs.

Once the dog is designated as a potentially dangerous dog by the Lakesite City Court and/or by the municipal court and/or by any other local or non-local court of competent jurisdiction, the following shall be restrictions are mandatory upon the owner or custodian of such dog:

(1) The dog must be kept indoors or confined on the owner's or keeper's property by a fence (other than an "electronic fence") capable of confining the dog or by a proper enclosure;

(2) The owner must allow inspection of the dog and its enclosure by the city's agent and/or any person authorized pursuant to section 10-108 and or 10-109 of this ordinance, and must produce, upon demand, proof of compliance with such restrictions;

(3) The dog shall wear a collar and/or tag that visually identifies the dog as being potentially dangerous (purchased through the city's agent);

(4) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the city's agent, to keep the dog on certain specified premises from the landlord or property owner;

(5) The owner and dog must attend and complete a course on commonly accepted dog obedience methods approved by the city's agent;

(6) The owner and dog must attend and successfully complete an American Kennel Club sponsored and authorized canine good citizenship course and test within a time specified by the court;

(7) The dog must be spayed or neutered at the owner's expense; and

(8) An identification microchip must be implanted in the dog, with the serial number of the microchip supplied by the city's agent.

The court may impose additional restrictions that the court deems necessary.

(as added by Ord. # 272 , June 2019)

10-907. Mandatory restrictions on dangerous dogs.

(1) If the dog is designated as a dangerous dog by the Lakesite Municipal Court and/or any other local or non-local court of competent jurisdiction, the owner or custodian of such dog shall comply with the following restrictions:

(a) The dog must be kept in a proper enclosure if the dog is maintained unattended out-of-doors; such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;

(b) The owner must allow inspection of the dog and its enclosure by the city's agent and must produce, upon demand, proof of compliance with the restrictions set forth in this section and any additional restrictions imposed by the city court;

(c) In the event that the owner or custodian of the dog is a tenant on real property where the dog is being kept, the owner or custodian must obtain written permission, to be filed with the city's agent, to keep the dog on certain specified premises from the landlord or property owner;

(d) The owner and dog must attend and complete a training class and/or behavior modification course approved by the city's agent that is designed to teach the owner how to deal with, correct, manage and/or alter the problem behavior;

(e) A sign having reflective letters and backing with letters measuring at least one and one-half inches (1½") in width and one and one-half inches (1½") in height and reading "Beware of Dangerous Dog" shall be posted in a conspicuous place at all entrances to the premises on or within which such dog is kept. The cost of the sign shall be the sole responsibility of the dog owner;

(f) A dangerous dog shall not be permitted to leave the premises of the owner unless such dog is properly restrained and humanely muzzled for protection of persons and other animals;

(g) A dangerous dog may never, even with the owner present, be allowed to be unrestrained on property that allows the dog direct access to the public;

(h) The owner of a dangerous dog shall not permit such a dog to be chained, tethered or otherwise tied to any in animate object such as a tree, post or building, inside or outside of its own separate enclosure;

(i) Such dog shall be photographed by the city's agent for future identification purposes;

(j) Neutering or spaying of the dog;

(k) Implantation of an identification microchip in such dog; the serial number of the identification microchip must be supplied to the city's agent;

(l) Requiring the owner of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars ($100,000.00) and to furnish a certificate of insurance;

(m) Maintaining and updating annually a record maintained with MAC that lists the dog owner(s) or agent contact information, emergency contact persons and phone numbers, veterinarian, landlord and/or property owner contact information, property/liability insurance carrier, vaccination, licensing and/or permit number, photo of the animal and any other information deemed necessary by the city's agent;

(n) Samples preserved for possible DNA identification which must be delivered to the city's agent;

(o) The wearing of a collar and/or tag that visually identifies the dog as being dangerous (purchased through the city's agent);

(p) Notification in writing to the city's agent of the location of the dog's residence, temporary or permanent, including prior notice of plans to move the dog to another residence within the city or outside the city and/or to transfer ownership of the dog; and

(q) Any other reasonable requirement specified by the city court or any other local or non-local court of competent jurisdiction.

(2) The cost of all such restrictions must be paid by the owner.

(as added by Ord. # 272 , June 2019)

10-908. Removal of designation of potentially dangerous dog.

If there are no additional instances of the behavior described in section 10-84 within eighteen (18) months of the date of designation as a potentially dangerous dog, the dog shall automatically be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 18-month period if the owner or keeper of the dog demonstrates to the city's agent that changes in circumstances or measures taken by the owner or keeper, such as training of the

dog, confinement, etc., have mitigated the risk to the public safety; in such event, the owner or the city's agent may petition the city court to remove such designation.

(as added by Ord. # 272 , June 2019)

10-909. Change of ownership, custody or location of dog; death of dog.

(1) The owner or custodian of a dangerous dog or potentially dangerous dog who moves or sells the dog, or otherwise transfers the ownership, custody or location of the dog, shall, at least fifteen (15) days prior to the actual transfer or removal of the dog, notify the city's agent in writing of the name, address and telephone number of the proposed new owner or custodian, the proposed new location of the dog, and the name and description of the dog.

(2) The owner or custodian shall, in addition to the above, notify any new owner or custodian of a dangerous dog or potentially dangerous dog in writing regarding the details of the dog's record and the terms and conditions for confinement and control of the dog. The transferring owner or custodian shall also provide the city's agent with a copy of the notification to the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. The city's agent may impose different or additional restrictions or conditions upon the new owner or custodian.

(3) If a dangerous dog or potentially dangerous dog should die, the owner or custodian shall notify the city's agent no later than twenty-four (24) hours thereafter and, upon request, from the city's agent shall produce the animal for verification or evidence of the dog's death that is satisfactory to the city's agent.

(4) If a dangerous dog or potentially dangerous dog escapes, the owner or custodian shall immediately notify the city's agent and make every reasonable effort to recapture the escaped dog to prevent injury and/or death to humans or domestic animals.

(5) The following persons must notify the city's agent when relocating a dog to Lakesite, even on a temporary basis:

   (a) The owner of a potentially dangerous or dangerous dog that has been designated as such by another lawful body other than the City of Lakesite; and

   (b) The owner of a dog that has had special restrictions placed against it by any humane society or governmental entity or agency other than the City of Lakesite based upon the behavior of the dog.

No such designation as a dangerous dog or potentially dangerous dog or any similar such designation shall be recognized by the City of Lakesite if such designation is based solely on the breed of the dog. Such owner is subject to the restrictions set forth in this chapter.

(as added by Ord. # 272 , June 2019)

10-910. Unlawful use of a dog.

(1) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(2) Upon a finding of violation, the city court upon request shall order the dog forfeited and/or destroyed.

(as added by Ord. # 272 , June 2019)

CHAPTER 10. GUARD DOGS

10-1001. Guard dog purveyor; license; fees.

(1) It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license so to do issued to said person, firm or corporation by the city's agent. Only a person who complies with the requirements of this chapter and such rules and regulations of the city's agent as may be adopted pursuant hereto shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. Said licenses shall be valid for one (1) year from date of issue.

(2) The fee for such license shall be seventy-five dollars ($75.00) per year, to be renewed annually.

(as added by Ord. # 272 , June 2019)

10-1002. Guard dog purveyor; license; application; contents.

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the city's agent. Such application shall be filed with the city's agent and shall include the following:

(1) A legal description of the premises or the business address of the office from which said applicant desires to supply guard dogs;

(2) A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

(3) A written acknowledgment by the applicant that prior to the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the city agent in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to the City of Lakesite prior to the animal performing guard dog functions.

(as added by Ord. # 272 , June 2019)

10-1003. Guard dog trainer; license; application; contents.

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the city's agent. All such applications shall be filed with the city's agent and shall contain the following:

(1) A legal description or business address of the premises at which the applicant desires to train the guard dogs;

(2) A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization which trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of said entity and shall provide the name of the major executive officer of said entity;

(3) If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at said location for the duration of the license; and

(4) The fee for such license shall be fifty dollars ($50.00) per year, to be renewed annually.

(as added by Ord. # 272 , June 2019)

10-1004. Guard dog; registration; annual fee; other requirements.

(1) All persons using dogs as guard dogs shall register the dogs with the city's agent. Said registrations shall be valid for one (1) year and must be renewed annually. The city's agent shall issue a tag which shall be affixed on the guard dog in such a manner so as to be readily identifiable. Such registration shall be filed with the city's agent and shall include the following:

(a) A legal description or business address of the premises which the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;

(b) A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;

(c) A description of the guard dog for purposes of identification;

(d) Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;

(e) Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting said premises and persons from unauthorized intrusion. Said acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and

(f) Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to ensure the safety of the public and the welfare of the animal.

(2) The fee for registering a guard dog shall be seventy-five dollars ($75.00) per year, to be renewed annually.

(3) All registered guard dogs shall be implanted with an identifying microchip as directed by the city's agent.

(4) All registered guard dogs shall wear a specific dog tag as directed by the city's agent.

(5) The owner of any property on which a guard dog is located shall post signs in conspicuous places at all entrances to such property with reflective letters a minimum of two inches (2") and a maximum of ten inches (10") in height stating "Beware of Guard Dog on the Property". Such sign shall also have a telephone number for law enforcement officers or firefighting personnel to call in an emergency situation or other situation in which the dog owner's or handler's presence is required.

(as added by Ord. # 272 , June 2019)

10-1005. Inspections.

The city's agent, or his authorized representative shall annually inspect all premises which are the subject of the licenses and registrations required herein prior to the issuance of said licenses and/or registrations. Said inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to ensure the humane treatment of the guard dogs. If the premises are deemed inadequate, the city's agent shall direct the applicant to make such changes as are necessary before the license or registration is issued or renewed. The city's agent may make such routine periodic inspections

of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing the provisions of this chapter.

(as added by Ord. # 272 , June 2019)

10-1006. Limitations.

The provisions of this chapter shall not apply to any facility possessing or maintaining guard dogs which is owned, operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

(as added by Ord. # 272 , June 2019)

CHAPTER 11. MISCELLANEOUS

10-1101. Penalty for violations.

Any person violating the provisions of this chapter shall be subject to a civil penalty or fine of not less than twenty dollars ($20.00) nor more than fifty dollars ($50.00) for each violation.

(as added by Ord. # 272 , June 2019)

10-1102. Rabies control.

(1) Every animal which bites a person shall be promptly reported to the city's agent and shall thereupon be secured quarantined at the direction of the city's agent for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the ASO supervisor. At the discretion of the city's agent, such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter. Any conflict with state law of these provisions shall be controlled by such state laws.

The owner, upon demand made by the city's agent, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for a supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner, if adjudged free of rabies, upon payment of the fees set forth in this ordinance and upon compliance with the licensing provisions set forth in this ordinance.

When an animal under the quarantine has been diagnosed as being rabid or is suspected by a licensed veterinarian of being rabid and dies while under such observation, the city's agent shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of any reports of human contact, and of the diagnosis made of the suspected animal.

When one or both reports give a positive diagnosis of rabies, the city's agent shall impose a city-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the city limits without written permission from the city's agent.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the city's agent.

The city's agent shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the city's agent.

Any conflict with state law of this provision shall be controlled by such state law.

(as added by Ord. # 272 , June 2019)

10-1103. Physicians to report bite cases.

It shall be the duty of every physician, or other practitioner, to report to the city's agent the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(as added by Ord. # 272 , June 2019)

10-1104. Veterinarians to report rabies suspects.

It shall be the duty of every licensed veterinarian to report to the city's agent his diagnosis of any animal observed by him as a rabies suspect.

(as added by Ord. # 272 , June 2019)

10-1105. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

(as added by Ord. # 272 , June 2019)

10-1106. Other laws not affected.

Nothing in this chapter shall affect the authority of any law enforcement officer to respond appropriately to any situation in which there is an imminent threat by an animal to the safety of any person. This chapter shall not prohibit the seizure or impoundment of dogs as evidence as provided for under any other provision of law, nor shall any other laws, whether local or state, be affected by this chapter.

(as added by Ord. # 272 , June 2019)

Title 11 MUNICIPAL OFFENSES[1]

CHAPTER 1. ALCOHOL[2]

11-101. Public drunkenness.

(See Tennessee Code Annotated, § 39-17-310; see also see title 33, chapter 8.)

(1972 Code, § 10-228, modified)

11-102. 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.

(1972 Code, § 10-229)

CHAPTER 2. GAMBLING, FORTUNE TELLING, ETC.

11-201. Gambling.

See Tennessee Code Annotated, § 39-17-501, et seq.

(1972 Code, § 10-215, modified)

11-202. Fortune telling, etc.

It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

(1972 Code, § 10-235)

CHAPTER 3. OFFENSES AGAINST THE PERSON

11-301. Assault and battery.

It shall be unlawful for any person to commit an assault or an assault and battery.

(1972 Code, § 10-201)

---

[1]Cross reference(s)—
Animal control: title 10.
Housing and utilities: title 12.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

[2]Cross reference(s)—Sale of alcoholic beverages, including beer: title 8.

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

CHAPTER 4. OFFENSES AGAINST THE PEACE AND QUIET

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.

(1972 Code, § 10-202)

11-402. Anti-noise regulations.

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

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

(a) *Blowing horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

(h) *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon - application being made at the time the permit for the work is awarded or during the process of the work.

(i) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) *Loading and unloading operations.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) *Noises to attract attention.* The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) *Loudspeakers or amplifiers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(m) *Firearms*. The discharge of firearms between the hours of 11:00 P.M. and 7:00 A.M.

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

(a) *City vehicles.* Any vehicle of the city while engaged upon necessary public business.

(b) *Repair of streets, etc.* Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

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

(1972 Code, § 10-234; as amended by Ord. No. 292 , § 1, 8-16-2022)

CHAPTER 5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

11-501. Escape from custody or confinement.

It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement.

(1972 Code, § 10-209)

11-502. Impersonating a government officer or employee.

No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any other government officer or employee.

(1972 Code, § 10-211)

State law reference(s)—Tennessee Code Annotated, § 39-16-301.

11-503. False emergency alarms.

It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act.

(1972 Code, § 10-217)

11-504. Resisting or interfering with an officer.

It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties.

(1972 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.

(1972 Code, § 10-231)

CHAPTER 6. FIREARMS, WEAPONS AND MISSILES[3]

11-601. Throwing missiles.

It shall be unlawful for any person maliciously 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.

(as replaced by Ord. No. 293 , § 1, 8-16-2022)

[3]Ord. No. 293 , § 1, adopted Aug. 16, 2022, repealed the former Ch. 6, §§ 11-601—11-603, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to similar subject matter and derived from 1972 Code, §§ 10-212, modified, 10-213, 10-214.

11-602. Target practice and the discharge of firearms.

It shall be unlawful to target practice with a firearm without the express written consent of the owner of the property, either public or private, where such target practice occurs. Such written consent shall be on the person of the shooter while shooting. It shall further be unlawful to discharge a firearm on any property, public or private, with or without consent, wherein such discharge endangers adjacent or neighboring property, either public or private, or the owners or tenants thereof. It shall further be unlawful to discharge a firearm on any property, public or private, with or without such written consent, wherein such discharge disturbs or endangers nearby residents or businesses.

For the purposes of this section the term "firearms" shall mean any weapon from which a shot is discharged by force of an explosive or a weapon which acts by force of gunpowder, and shall also include all weapons which expel a projectile by means of the expansion of compressed air and/or carbon dioxide; the term "disturbs" shall mean to create a loud or obnoxious noise; the term "endangers" shall mean to discharge a firearm in a manner that shot or projectiles cross or fall on other properties; and the term "nearby" shall mean any property within six hundred (600) feet of the point of firearm discharge.

This section does not apply to any firing range owned and operated by the city for the benefit of its police department or other agencies.

(as replaced by Ord. No. 293 , § 1, 8-16-2022)

CHAPTER 7. TRESPASSING, MALICIOUS MISCHIEF AND 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 also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.

(1972 Code, § 10-226)

11-702. Malicious mischief.

It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him.

(1972 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 with the free passage of pedestrian or vehicular traffic thereon.

(1972 Code, § 10-233)

11-704. Persons standing or soliciting in or near streets.

No person shall stand on or within six (6) feet of the pavement of a street or roadway for the purpose of slowing or stopping any vehicle to sell any item or to solicit or to accept contributions, charitable or otherwise, from the occupant thereof, nor for the purpose of selling any item or soliciting or accepting contributions for charitable or other purposes from the occupant(s) of any vehicle already slowed or stopped.

(as added by Ord. #116, Nov. 1999)

CHAPTER 8. MISCELLANEOUS

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.

(1972 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.

(1972 Code, § 10-232)

11-803. Posting notices, etc.

No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so.

(1972 Code, § 10-227)

11-804. Curfew for minors.

Minors under seventeen (17) are prohibited from being on the streets from 11:00 p.m. to 6:00 a.m. Sunday through Thursday and 12:01 a.m. to 6:00 a.m. Saturday or Sunday.

(1) *Offenses.*

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment within the city during curfew hours.

(2) *Defenses.*

(a) It is a defense to prosecution under subsection (1) that the minor was:

(i) accompanied by the minor's parents;

(ii) on an errand at the direction of the minor's parent and was using a direct route;

(iii) in a motor vehicle involved in interstate travel;

(iv) engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;

(v) involved in an emergency;

(vi) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;

(vii) attending an official school or religious activity or returning home by a direct route from an official school or religious activity;

(viii) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(ix) married or had been married or had disabilities of minority removed in accordance with Tennessee Code Annotated, title 29, chapter 31.

(b) It is a defense to prosecution under subsection (1)(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

11-805. Public property regulated.

It shall be unlawful for any person to remain on any public property, such as a community park, public park, public parking area, recreational area, maintenance storage area, etc., located within the City of Lakesite, Tennessee, after the hours of 9:00 P.M., prevailing time, Sunday, Monday, Tuesday, Wednesday, and Thursday and after 11:00 P.M. prevailing time, Friday and Saturday, unless such person has obtained a permit from the city manager or is attending an official town meeting, social gathering or athletic event previously scheduled with the city manager, and such events are supervised by a person designated by the city manager.

(Ord. #43, Sept. 1985, modified, as amended by Ord. #209, May 2012)

11-806. [Deleted.]

(Ord. #42, Sept. 1985, as deleted by Ord. #209, May 2012)

Title 12 BUILDING, UTILITY, ETC. CODES

CHAPTER 1. BUILDING CODE[1]

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 International Building Code,[2] 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. #285 , Nov. 2021)

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 city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(Ord. #63, Oct. 1988, as amended by Ord. #214, July 2012)

12-103. Permits and fees.

(1) No building work, plumbing work, electrical work, gas work, or mechanical work shall be done within this municipality until a permit has been issued by the municipality. The terms "building work," "plumbing work," "electrical work," "gas work" or "mechanical work" shall not be deemed to include minor repairs that do not involve the installation, enlargement, alteration, movement, improvement, conversion, or replacement of any building, structure, appurtenance, fixture, piping, electrical fixture, wiring, gas fixture, appliance, or mechanical system.

(2) The following permit fees will apply:

SCHEDULE OF VARIOUS BUILDING PERMIT FEES	
Demolition Permit	$100.00
BUILDING PERMIT FEES	
Issuance Fee	$45.00 - Residential $75.00 - Commercial

[1]Cross reference(s)—
Fire protection: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

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

Re-inspection Fees	$25.00 - Residential $45.00 - Commercial
OTHER BUILDING FEES	
0.00 to $2,500	$0.00
$2,501 up to and including $15,000	$5.00/$1000 or fraction thereof
$15,001 up to and including $100,000	$168.00 for first $15,000 plus $3.00 for ea addl thousand or fraction thereof
$100,001 up to and including $500,000	$315.00 for first $100,000 plus $3.00 for each addl thousand or fraction thereof
$500,001 up to and including $1,000,000 (one million)	$1,500.00 for the first $500,000 plus $3.15 for each addl thousand or fraction thereof
$1,000,000 (one million) and over	$3,100 for the first million plus $1.00 for ea addl thousand or fraction thereof
Certificate of Occupancy (existing facility)	$50.00
Certificate of Occupancy (new facility)	$25.00
Certificate of Occupancy (conditional)	$50.00
Certificate of Occupancy (beverage license)	$25.00
Certificate of Completion	$10.00
Fee for Zoning Letter	$50.00
Fee for modular home site investigation	$25.00
Plan checking fee (commercial)	30% of building permit fee
Plan review fee-based construction (commercial)	50% of building permit fee
Cell tower site review fee	$100.00
Cell tower technical location requirements	$1,500.00
ELECTRICAL PERMITS	
Issuance Fee (includes Meter Repair/ Replacement)	$45.00 - Residential $75.00 - Commercial
Re-Inspection Fee	$25.00 - Residential $45.00 - Commercial
Temporary Service/New Pole for New Construction	$35.00 - Residential $45.00 - Commercial
Permit Transfer Fee	$25.00
Double Fee for no Permit - Minimum	$35.00
Double Fee for no Permit - Maximum	$700.00
Feeder & Branch Circuits and Service	
0—30 amps	$4.00 per circuit
31—100 amps	$8.00 per circuit
Over 100 amps	$16.00 per circuit
Service over 600 volts	$0.40 per KVA, $400 minimum

Service 600 volts or less	$20.00 plus $4.00 for every 100 amps
Transformers & Generators:	$45.00
Signs-Interior Wired	
25 sq ft or less	$45.00
Over 25 sq ft	$40.00 plus $0.40 ea addl sq ft
Non Listed or labeled Approval of Equipment	$25.00
Approval of signs and showcases (each)	$25.00
Neon transformers (enclosed or separate (each)	$40.00
PLUMBING	
Issuance Fee	$45.00 - Residential $75.00 - Commercial
Re-Inspection Fee	$25.00 - Residential $45.00 - Commercial
Fixtures	$5.00 each
GAS	
Issuance Fee	$45.00 - Residential $75.00 - Commercial
Re-inspection Fees	$25.00 - Residential $45.00 - Commercial
Floor Furnaces, Incinerators, Boilers or Central HVAC	$10 per fixture
Each additional Unit	$5.00 per unit
Wall Furnaces, Water Heater	$8.00 per unit
Other outlets 1 to 4	$5.00
Each additional outlet above 4	$2.00 each
MECHANICAL	
Issuance Fee	$45.00 - Residential $75.00 - Commercial
Re-inspection Fees	$25.00 - Residential $45.00 - Commercial
Installation of heating, ventilation, duct work, a/c or refrigeration system	$15.00 for first $1,000 or fraction plus $10.00 for each additional $1,000
Repairs, alterations & additions to existing system	$15.00 plus $10.00 for each $1,000 or fraction thereof
EXCAVATION	
Issuance Fee	$45.00 - Residential $75.00 - Commercial
Driveway	$25.00
Bore	$50.00
Road Cut	$50.00
Utility Cut (Bell hole)	$20.00
Emergency Utility Cut for Repair after 4:00 pm and weekends	$0.00
Cut parallel to road	$1.00 per foot in roadway Min. $20.00 $1.00 per foot in ROW Min. $20.00
SIGNS	

Issuance Fee	$45.00
On-premises sign	$50.00
Off-premises/billboard	$100.00
Temporary	$20.00
Failure to obtain permit	Double the fee
Re-inspection fee	$50.00

(3) *Penalties.* Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.

(Ord. #63, Oct. 1988, as amended by Ord. #186, May 2010, Ord. #214, July 2012, Ord. #218, Nov. 2012, Ord. #233, Aug. 2014, Ord. # 264 , Jan. 2019, Ord. #274 , May 2020, and Ord. # 279 , Nov. 2020)

12-104. Enforcement.

It shall be the duty of the building official or inspector to enforce compliance with this chapter and the building code as herein adopted by reference. He is authorized and directed to make such inspections of buildings 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.

(Ord. #63, Oct. 1988)

12-105. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #214, July 2012)

12-106. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the building code.

(Ord. #63, Oct. 1988)

CHAPTER 2. PLUMBING CODE[3]

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,

[3]Cross reference(s)—
Cross connections: title 18.
Street excavations: title 16.

and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,[4] 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. #285 , Nov. 2021)

12-202. Modifications.

Whenever the plumbing code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(Ord. #63, Oct. 1988, as amended by Ord. #214, July 2012)

12-203. Permits.

Requirements for permits are contained in title 12, chapter 1 of this code.

(Ord. #63, Oct. 1988, as replaced by Ord. #214, July 2012)

12-204. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, Oct. 1988, as amended and renumbered by Ord. #214, July 2012)

12-205. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the plumbing code.

(Ord. #63, Oct. 1988, modified, as renumbered by Ord. #214, July 2012)

12-206. [Deleted.]

(Ord. #63, Oct. 1988, as deleted by Ord. #214, July 2012)

[4]Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3. ELECTRICAL CODE[5]

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, 2017 edition as prepared and adopted by the National Fire Protection Association by reference as a part of this code and is hereinafter referred to as the electrical code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #104, April 1998, Ord. #117, Feb. 2000, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. # 264 , Jan. 2019)

12-302. Modifications.

(1) Whenever the electrical code refers to the "authority having jurisdiction" or the "Code Official," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(2) The following sections of the National Electrical Code, 2011 edition, are hereby amended:

(a) Section 110.24(B) is deleted in its entirety;

(b) Section 210.12 is amended to delete said section in its entirety and substitute in lieu thereof:

AFCI outlets shall be required in all bedrooms in any dwelling unit and shall be optional in all other rooms of a dwelling unit as previously required in Section 210.12 of the National Electrical Code, 2005 Edition.

(c) Section 210.19(A)(3) is amended to delete said section in its entirety and substitute in lieu thereof the requirement that all range taps shall be on separate wired circuits;

(d) Section 210.52.C subsections (2) and (3) are deleted in their entirety;

(e) Section 210.52.C(5), all reference to the paragraph entitled "Exception" is deleted in its entirety; and

(f) Section 338.10(B)(4)(a) is deleted in its entirety.

(Ord. #63, Oct. 1988, as deleted by Ord. #104, § 4, April 1998, and replaced by Ord. #194, May 2010, and Ord. #214, July 2012, and amended by Ord. #218, Nov. 2012)

12-303. Restored power.

If the power to a structure has been off for one (1) year or more, the following corrections will be required before the inspection will be approved and power will be restored. This does not apply to tampering/strap overs.

(1) Smoke alarms and carbon monoxide detectors (if gas is available) will be required interconnected (A/C or wireless) with battery back up in every sleeping area and outside those sleeping areas. (IBC 2006).

(2) GFCI protected receptacles on kitchen counter, bathroom receptacle circuits, and any outside receptacles that are existing. (NEC 2008).

[5]Editor's note(s)—Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

Cross reference(s)—Fire protection: title 7.

(3) A service disconnect will be required where the panel is not adjacent to the meter center. (NEC 2008).

(4) Grounding electrode and intersystem bonding terminal with properly sized grounding electrode conductor at service. (NEC 2008).

(5) No visible hazardous or defective wiring. This includes non-terminated wires.

(as added by Ord. # 264 , Jan. 2019)

12-304. Permits.

Requirements for permits are contained in title 12, chapter 1 of this code.

(Ord. #63, Oct. 1988, as replaced by Ord. #214, July 2012 and renumbered by Ord. # 264 , Jan. 2019)

12-305. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, Oct. 1988, as amended, renumbered by Ord. #214, July 2012 and Ord. # 264 , Jan. 2019)

12-306. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code.

(Ord. #63, Oct. 1988, modified, as renumbered by Ord. #214, July 2012 and Ord. # 264 , Jan. 2019)

12-307. Fees.

The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal.

(Ord. #63, Oct. 1988, as renumbered by Ord. #214, July 2012 and Ord. # 264 , Jan. 2019)

12-308. [Deleted.]

(Ord. #63, Oct. 1988, as deleted by Ord. #214, July 2012 and renumbered by Ord. # 264 , Jan. 2019)

CHAPTER 4. FUEL GAS CODE[6]

12-401. Fuel gas code adopted.

Pursuant to authority granted by § 6-54-501, of the Tennessee Code Annotated, and for the purpose of providing practical minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliance. All gas piping and gas appliances installed, replaced, maintained, or required within the

[6]Cross reference(s)—Gas: title 19, chapter 2.

corporate limits shall conform to the requirements of the International Fuel Gas Code,[7] 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fuel gas code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. #285 , Nov. 2021)

12-402. Modifications.

(1) Whenever the "Gas Official" is named it shall for the purposes of the fuel gas code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the fuel gas code.

(2) Each qualified agency must maintain currently in force and file with the municipality evidence of a public liability bond or insurance policy in the sum of one hundred thousand dollars ($100,000.00) to cover any deaths, injuries, losses or damages caused by negligent, inadequate, imperfect, or defective work done by the agency while acting in the scope and course of its employment.

(Ord. #63, Oct. 1988)

12-403. Permits.

Requirements for permits are contained in title 12, chapter 1 of this code.

(Ord. #63, Oct. 1988, as replaced by Ord. #214, July 2012)

12-404. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, Oct. 1988, as amended and renumbered by Ord. #214, July 2012)

12-405. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the fuel gas code.

(Ord. #63, Oct. 1988, modified, as renumbered by Ord. #214, July 2012)

12-406. 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.

(Ord. #63, Oct. 1988, as renumbered by Ord. #214, July 2012)

[7]Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-407. [Deleted.]

(Ord. #63, Oct. 1988, as deleted by Ord. #214, July 2012)

CHAPTER 5. EXISTING BUILDING CODE[8]

12-501. Existing building 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 International Property Maintenance Code,[9] 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the existing building code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. #285 , Nov. 2021)

12-502. Modifications.

Whenever the existing building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(Ord. #63, Oct. 1988, as amended by Ord. #214, July 2012)

12-503. Permits.

Requirements for permits are contained in title 12, chapter 1, of this code.

(Ord. #63, Oct. 1988)

12-504. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, 1988, as replaced by Ord. #128, March 2002, deleted and renumbered by Ord. #169, Oct. 2006, and amended by Ord. #214, July 2012)

[8]Editor's note(s)—§§ 12-504 and 12-505 were added by Ord. #63, replaced by Ord. #128, and deleted and renumbered by Ord. #169, Oct. 2006.

[9]Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-505. Violations.

Any person, firm or corporation, whether owner, occupant, lessee or mortgagee, violating or failing to comply with any provision of this chapter or any notice or order issued pursuant to its provisions shall be deemed guilty of a misdemeanor, punishable by a fine under the general penalty clause for this code.

(Ord. #63, 1988, as replaced by Ord. #128, March 2002, and deleted and renumbered by Ord. #169, Oct. 2006)

12-506. [Deleted.]

(Ord. #63, Oct. 1988, as replaced by Ord. #128, March 2002, and deleted by Ord. #169, Oct. 2006)

12-507. [Deleted.]

(as added by Ord. #128, March 2002, and deleted by Ord. #169, Oct. 2006)

12-508. [Deleted.]

(as added by Ord. #128, March 2002, and deleted by Ord. #169, Oct. 2006)

12-509. [Deleted.]

(as added by Ord. #128, March 2002, and deleted by Ord. #169, Oct. 2006)

12-510. [Renumbered.]

(as added by Ord. #128, March 2002, and renumbered by Ord. #169, Oct. 2006)

12-511. [Renumbered.]

(as added by Ord. #128, March 2002, and renumbered by Ord. #169, Oct. 2006)

CHAPTER 6. MECHANICAL CODE

12-601. Mechanical code adopted.

Pursuant to authority granted by § 6-54-501 of the Tennessee Code Annotated and for the purpose of regulating the minimum requirements for safe mechanical installations, including alteration, repair, replacements, equipment, appliances, fixtures, fittings, and appurtenances, the International Mechanical Code, 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the mechanical code.

(Ord. #63, Oct. 1988, modified, as amended by Ord. #79, July 1994, Ord. #104, April 1998, Ord. #156, Aug. 2005, Ord. #214, July 2012, and Ord. #285 , Nov. 2021)

12-602. Modifications.

Whenever the mechanical code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(Ord. #63, Oct. 1988, as amended by Ord. #214, July 2012)

12-603. Permits.

Requirements for permits are contained in title 12, chapter 1 of this code.

(Ord. #63, Oct. 1988, as replaced by Ord. #214, July 2012)

12-604. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(Ord. #63, Oct. 1988, modified, as amended and renumbered by Ord. #214, July 2012)

12-605. Violations.

It shall be unlawful for any person to perform or authorize any work in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the mechanical code.

(Ord. #63, Oct. 1988, modified, as renumbered by Ord. #214, July 2012)

12-606. [Deleted.]

(Ord. #63, Oct. 1988, as deleted by Ord. #214, July 2012)

CHAPTER 7. RESIDENTIAL CODE

12-701. Residential 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 on and two-family dwellings or premises used as such, the International Residential Code for One and Two-Family Dwellings,[10] 2018 edition with Appendices as prepared and adopted by the International Code Council Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as residential code.

(as added by Ord. #159, Oct. 2005, and amended by Ord. #214, July 2012, Ord. #285 , Nov. 2021)

12-702. Modifications.

The 2018 edition of the International Residential Code shall be amended as follows:

(1) Section R101.1 Insert "City of Lakesite, Tennessee" in "Name of Jurisdiction".

(2) Table R301.2(1) adding the following Snow Load "10#", Wind Speed "115", Seismic "C", Weathering "Severe", Frost Line Depth, "12", Termite "Moderate to Heavy", Winter Design Temperature "20°F", Ice

[10]Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Barrier Required, "No", +Flood Hazards, See FIRM, Air Freezing Index, "1500 or Less", and Mean Annual Temperature "59.4°F".

(3) Section R-314.6 Power Source, relating to Smoke Alarms, is amended to create Exemption 3 that shall read:

Exception 3. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where alterations or repairs do not result in the removal or interior walls or ceiling finishes exposing the structure.

(4) Section R-313 Automatic Fire Sprinkler Systems is deleted in its entirety.

(5) R Chapter 11 entitled Energy Efficiency of the 2018 International Residential Code is deleted in its entirety.

(as added by Ord. #159, Oct. 2005, amended by Ord. #214, July 2012, replaced by Ord. #218, Nov. 2012, and amended by Ord. #285 , Nov. 2021)

12-703. Permits.

Requirements for permits are contained in title 12, chapter 1, of this code.

(as added by Ord. #159, Oct. 2005)

12-704. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(as added by Ord. #159, Oct. 2005, and amended by Ord. #214, July 2012)

12-705. Violations.

Any person, farm or corporation, whether owner, occupant, lessee or mortgagee, violating or failing to comply with any provision of this chapter or any notice or order issued pursuant to its provisions shall be deemed guilty of a misdemeanor, punishable by a fine under the general penalty clause for this code.

(as added by Ord. #159, Oct. 2005)

CHAPTER 8. ENERGY CONSERVATION CODE

12-801. Energy conservation code adopted.

Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for establishing minimum prescriptive and performance-related regulations for the design of energy-efficient buildings and structures or portions thereof that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy, the International Energy Conservation Code,[11] 2018 edition

[11]Editor's note(s)—Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

as prepared and adopted by the International Code Council Inc., is hereby adopted and incorporated by reference as a part of this code and is hereafter referred to as the energy conservation code.

(as added by Ord. #160, Oct. 2005, and amended by Ord. #214, July 2012 and Ord. #285 , Nov. 2021)

12-802. Modifications.

(1) Whenever the energy conservation code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(2) International Energy Conservation Code, 2018 edition, Section R403, Table R403.1 Minimum Width of Concrete or Masonry Footings is deleted in its entirety and the following Amended Table and subsection is adopted in lieu thereof:

TABLE R403.1
MINIMUM WIDTH OF CONCRETE OR MASONRY FOOTINGS
(inches)
BUILDINGS

LOAD-BEARING VALUE OF SOIL (psf)				
	1,500	2,000	3,000	≤4,000
Conventional light-frame construction				
1-story	16	16	16	16
2-story	19	16	16	16
3-story	27	21	16	16
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-story	16	16	16	16
2-story	25	20	16	16
3-story	36	28	20	16
8-inch solid or fully grouted masonry				
1-story	20	16	16	16
2-story	33	25	18	16
3-story	46	36	25	20

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479kN/m

Footings must have a minimum of 8-inch deep concrete and two (2) bars of #4 steel. Pier size is 2 feet x 2 feet minimum. Where minimum footing width is 16 inches, a single Wythe of solid or fully grouted 12-inch nominal concrete masonry units is permitted to be used.

(as added by Ord. #160, Oct. 2005, and amended by Ord. #214, July 2012 and Ord. #285 , Nov. 2021)

12-803. Permits.

Requirements for permits are contained in title 12, chapter 1, of this code.

(as added by Ord. #160, Oct. 2005)

12-804. Available in city recorder's office.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502(a), one (1) copy of this code has been placed on file in the office of the city recorder and shall be kept there for use and inspection of the public.

(as added by Ord. #160, Oct. 2005, and amended by Ord. #214, July 2012)

12-805. Violations.

Any person, farm or corporation, whether owner, occupant, lessee or mortgagee, violating or failing to comply with any provision of this chapter or any notice or order issued pursuant to its provisions shall be deemed guilty of a misdemeanor, punishable by a fine under the general penalty clause for this code.

(as added by Ord. #160, Oct. 2005)

CHAPTER 9. FIRE PREVENTION RAPID ENTRY REQUIREMENTS

12-901. Purpose.

The commissioners of the City of Lakesite has determined that the health, welfare, and safety of its citizens is promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the fire department in gaining access to or within a structure when responding to calls for an emergency service and to aid in access into or within a building that is secured or is unduly difficult to gain entry into.

(as added by Ord. #255, Oct. 2017)

12-902. Key lock box system.

The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the fire marshal or fire chief.

(1) Commercial or industrial structures and places of assembly protected by an automatic fire alarm and/or automatic fire suppression system or any such structure secured in a manner that restricts access during an emergency.

(2) Multi-family residential structures that have restricted access through locked doors, but have a common corridor for access to living quarters.

(3) Schools, whether public or private, healthcare facilities and nursing homes, unless the building is staffed or open twenty-four (24) hours a day three hundred sixty-five (365) days a year.

(4) Any building deemed necessary for life safety by the fire marshal or fire chief.

  (a) All new construction subject to § 12-902 shall have a key lock box installed and operational before a certificate of occupancy will be issued.

  (b) All structures in existence on the effective date of the this chapter and that are subject to § 12-902 shall have twelve (12) months from the effective date of this chapter to comply.

  (c) The type of key lock box to be implemented in the city shall be a Knox Box brand system.

(as added by Ord. #255, Oct. 2017)

12-903. Installation.

(1) All Knox Boxes shall be installed on the left side of the main door.

(2) All Knox Boxes shall be flush mounted and sixty inches (60") from the ground to the center of the box if possible.

(3) In the event the box cannot be installed per § 12-903(1) and (2) fire marshal or fire chief may designate in writing a different location and installation specifications.

(4) All real estate or property with an electric gate that meets the requirements of § 12-902(1) shall have a Knox Box installed outside the gate and contain a method of access to the gate as well as all other required items listed in § 12-904.

(as added by Ord. #255, Oct. 2017)

12-904. Contents of lock box.

The contents of the box are as follows:

(1) Keys to:

(a) Locked points of ingress or egress, whether on the interior or exterior of the structure.

(b) All mechanical and electrical rooms.

(c) Elevators and their control rooms.

(d) Fire alarm panels, reset pull stations, or other fire protective devices.

(e) Any special keys designated by the fire marshal or fire chief.

(as added by Ord. #255, Oct. 2017)

12-905. Exceptions to requirements to install a key lock box.

The following structures are exempt from the mandate to install a key lock box system:

(1) Single-family and multi-family structures that do not meet the requirements in § 12-902(1).

(2) Structures that have twenty-four (24) hour, three hundred sixty-five (365) days per year onsite security personnel or other personnel onsite.

(3) Businesses that are open and staffed twenty-four (24) hours, three hundred sixty-five (365) days per year which may include, but are not limited to, nursing homes, hospitals, police stations, etc.

(4) Rental storage facilities where there is a single lock on the separate storage pods that is supplied by the renter; however, the entry security gates or doors will require a Knox Box if electronically controlled or locked with a master key issued by the landlord to all tenants.

(5) Any facility not having an automatic fire alarm/suppression system unless it meets the requirements in § 12-901(1).

(6) Any banking facility.

(as added by Ord. #255, Oct. 2017)

12-906. Violations and penalties.

Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be guilty of a misdemeanor and shall be punished according to the general penalty provisions of this code of ordinances.

(as added by Ord. #255, Oct. 2017)

Title 13 PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER 1. MISCELLANEOUS

13-101. Health officer.

The "health officer" shall be the city manager or the director of public works to administer and enforce health and sanitation regulations within the municipality.

(1972 Code, § 8-401, as replaced by Ord. #168, Oct. 2006, and amended by Ord. #216, July 2012)

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.

(1972 Code, § 8-405, as replaced by Ord. #168, Oct. 2006)

13-103. Stagnant water.

It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes.

(1972 Code, § 8-406, as replaced by Ord. #168, Oct. 2006)

13-104. Weeds and grass.

Every owner or tenant of property occupied by a residential structure shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or designated officer to cut such vegetation when it has reached a height of over one foot (1').

(1972 Code, § 8-407, modified, as replaced by Ord. #168, Oct. 2006; as amended by Ord. # 263 , July 2018)

[1]Cross reference(s)—
Animal control: title 10.
Littering streets, etc.: § 16-107.
Toilet facilities in beer places: § 8-212(11).

13-105. Overgrown and dirty lots.

(1) *Prohibition.* Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) *Limitation on application.* The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) *Notice to property owner.* It shall be the duty of the director of public works or building official to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

   (a) A brief statement that the owner is in violation of § 13-105 of the Lakesite Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

   (b) The person, office, address, and telephone number of the department or person giving the notice;

   (c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

   (d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) *Clean-up at property owner's expense.* If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the Office of the Register of Deeds in Hamilton County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) *Appeal.* The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) *Judicial review.* Any person aggrieved by an order or act of the board of commissioners under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(7) *Supplemental nature of this section.* The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

(1972 Code, § 8-408, as replaced by Ord. #168, Oct. 2006, and amended by Ord. #214, July 2012)

13-106. Appeal.

The owner of record who is aggrieved by the determination and order of the public officer may seek judicial review of the determination of the public officer as provided by Tennessee law. The time period established under this title shall be stayed during the pendency of judicial review.

(as added by Ord. #225, July 2013)

13-107. Supplemental nature of this section.

The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

(as added by Ord. #225, July 2013)

13-108. 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.

(1972 Code, § 8-409, as replaced by Ord. #168, Oct. 2006, and renumbered by Ord. #225, July 2013)

13-109. 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.

(1972 Code, § 8-404, as replaced by Ord. #168, Oct. 2006, and renumbered by Ord. #225, July 2013)

13-110. House trailers.

It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code.

(as added by Ord. #168, Oct. 2006, and renumbered by Ord. #225, July 2013)

CHAPTER 2. PROPERTY MAINTENANCE CODE

13-201. Property maintenance 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 regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, the International Property Maintenance Code,[2] 2012 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the Property Maintenance Code.

(as added by Ord. #158, Oct. 2005, and amended by Ord. #214, July 2012)

13-202. Modifications.

Whenever the property maintenance code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of this code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of this code.

(as added by Ord. #158, Oct. 2005, replaced by Ord. #167, Oct. 2006, and amended by Ord. #216, July 2012, and Ord. #224, July 2013)

13-203. Permits.

Requirements for permits are contained in title 12, chapter 1, of this code.

(as added by Ord. #158, Oct. 2005)

13-204. Available in the office of the city recorder.

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the office of the city recorder and shall be kept there for the use and inspection of the public.

(as added by Ord. #158, Oct. 2005, and amended by Ord. #214, July 2012)

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

13-205. Violations.

Any person, farm or corporation, whether owner, occupant, lessee or mortgagee, violating or failing to comply with any provision of this chapter or any notice or order issued pursuant to its provisions shall be deemed guilty of a misdemeanor, punishable by a fine under the general penalty clause for this code.

(as added by Ord. #158, Oct. 2005)

13-206. Appeal.

The owner of record who is aggrieved by the determination and order of the public officer may seek judicial review of the order or act. The time period established under this title shall be stayed during the pendency of judicial review.

(as added by Ord. #224, July 2013)

13-207. Supplemental nature of this section.

The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

(as added by Ord. #224, July 2013)

CHAPTER 3. SLUM CLEARANCE

13-301. Findings of board.

Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

(as added by Ord. #169, Oct. 2006)

13-302. Definitions.

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

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

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

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

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

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

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

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

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

(as added by Ord. #169, Oct. 2006)

13-303. "Public officer" designated; powers.

There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official.

(as added by Ord. #169, Oct. 2006)

13-304. Initiation of proceedings; hearings.

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, 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 structure 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 service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(as added by Ord. #169, Oct. 2006)

13-305. Orders to owners of unfit structures.

If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding 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 structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

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

(as added by Ord. #169, Oct. 2006)

13-306. When public officer may repair, etc.

If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

(as added by Ord. #169, Oct. 2006)

13-307. When public officer may remove or demolish.

If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

(as added by Ord. #169, Oct. 2006)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited.

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 assessed against the owner of the property, and shall upon the filing of the notice with the Office of the Register of Deeds of Hamilton County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Hamilton County 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. Nothing in this section shall be construed to impair or limit in any way the power of the City of Lakesite to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(as added by Ord. #169, Oct. 2006)

13-309. Basis for a finding of unfitness.

The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lakesite. 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; or uncleanliness.

(as added by Ord. #169, Oct. 2006)

13-310. 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 are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, 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 Hamilton County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

(as added by Ord. #169, Oct. 2006)

13-311. Enjoining enforcement of orders.

Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in 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 suit, 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.

The remedy provided herein shall be the exclusive remedy 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.

(as added by Ord. #169, Oct. 2006)

13-312. Additional powers of public officer.

The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

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

(3) To enter upon premises for the purpose of making examination, provided that such entry 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.

(as added by Ord. #169, Oct. 2006)

13-313. Powers conferred are supplemental.

This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish

violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

(as added by Ord. #169, Oct. 2006)

13-314. Structures unfit for human habitation deemed unlawful.

It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation 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 unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

(as added by Ord. #169, Oct. 2006)

CHAPTER 4. JUNKED MOTOR VEHICLES

13-401. Definitions.

For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) *Person* shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) *Private property* shall include all property that is not public property, regardless of how the property is zoned or used.

(3) *Traveled portion of any public street or highway* shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) *Vehicle* shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth, moving equipment, and any part of the same.

(b) *Junk vehicle* shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(ix) If a vehicle has not been moved from a single location for a period of sixty (60) days and has a vehicle registration that has been expired for over twelve (12) months, it will be presumed that the vehicle is so damaged or defective to be immediately inoperable within the meaning of this section.

(as added by Ord. #170, Oct. 2006, and amended by Ord. #224, July 2013)

13-402. Violations a civil offense.

It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days.

(as added by Ord. #170, Oct. 2006)

13-403. Exceptions.

It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(2) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(3) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

(as added by Ord. #170, Oct. 2006)

13-404. Enforcement.

Pursuant to Tennessee Code Annotated, § 7-63-101, the building official or his designee is authorized to issue ordinance summons for violations of this chapter on private property. The building official or his designee shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building official or his designee finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building official or his designee may:

(1) Request the city judge to issue a summons; or

(2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

(as added by Ord. #170, Oct. 2006, and amended by Ord. #223, July 2013)

13-405. Penalty for violations.

Any person violating this chapter shall be subject to a civil penalty of fifty dollars ($50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

(as added by Ord. #170, Oct. 2006)

Title 14 ZONING AND LAND USE CONTROL

CHAPTER 1. MUNICIPAL PLANNING COMMISSION

14-101. Regional planning commission designated as municipal planning commission.

Pursuant to authority provided in § 13-3-301, Tennessee Code Annotated, the Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission of the City of Lakesite.

(1972 Code, § 11-101)

CHAPTER 2. ZONING ORDINANCE

14-201. Zoning ordinance adopted.

By the provisions of § 13-7-201, et seq., Tennessee Code Annotated, and for the purposes of establishing districts or zones within Lakesite's corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, the density of population, etc., the Lakesite

Zoning Ordinance[1] is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the zoning ordinance.

(Ord. #60, May 1988, as replaced by Ord. #189, June 2009)

CHAPTER 3. AIR POLLUTION CONTROL

14-301. Air pollution control ordinance adopted.

Air pollution prevention, abatement and control within the City of Lakesite shall be governed by Ordinance Number 63, dated October, 1988, titled "The Hamilton County Regional Air Pollution Control Ordinance," as amended by Ord. #71, March 1993; Ord. #80, Nov. 1994; Ord. #85, Sept. 1995; Ord. #89, Oct. 1995; Ord. #90, Nov. 1995; Ord. #91, March 1996; Ord. #108, Jan. 1999; Ord. #109, Jan. 1999; Ord. #120, May 2000; Ord. #121, May 2000; Ord. #150, March 2005; and Ord. No. 300 , Sept. 2023.

Editor's note(s)—Ordinance No. 63 dated October, 1988, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4. SWIMMING POOLS

14-401. Compliance required.

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the city except in compliance with all the provisions of this chapter.

(Ord. #25, Dec. 1980)

14-402. Swimming pool defined.

Any structure intended for swimming, recreational bathing or wading that contains water over twenty-four inches (24") deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

(Ord. #25, Dec. 1980, as replaced by Ord. #198, Oct. 2010)

14-403. Permits required.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the city unless permits therefore shall have first been obtained from the city.

(Ord. #25, Dec. 1980)

14-404. Permit fees.

The fee for a permit for the erection or construction of a swimming pool shall be ten dollars ($10.00) for each one thousand (1,000) cubic feet or fraction thereof to be contained within the proposed pool as determined by the plans and specifications submitted with the application for permit.

[1]Editor's note(s)—The Lakesite Zoning Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

(Ord. #25, Dec. 1980)

14-405. Inspections required.

The periodic inspection of all swimming pools to determine whether or not the provisions of the chapter regarding health, sanitation and safety applicable thereto are being complied with, shall be left to the county health officer.

(Ord. #59, Aug. 1987)

14-406. Violations and penalties.

The violation of any provision of this chapter shall be punished by a fine of not less than two dollars ($2.00) nor more than fifty dollars ($50.00). Each day of any violation of this chapter continues shall constitute a separate offense.

(Ord. #25, Dec. 1980)

14-407. Location of swimming pools.

No portion of a swimming pool shall be located outside of the rear yard of any property.

(Ord. #25, Dec. 1980)

14-408. Swimming pool enclosures and safety devices.

All outdoor residential swimming pools shall meet the requirements of section 3109 of the International Building Code as adopted in title 12, chapter 1 of the Lakesite Municipal Code, and any subsequent updates thereto.

(Ord. #59, Aug. 1987, as renumbered by Ord. #141, July 2003, and replaced by Ord. #198, Oct. 2010)

CHAPTER 5. ADVERTISING SIGNS, ADMINISTRATION AND ENFORCEMENT

14-501. Exemptions from and applicability of chapter.

(1) Nothing in this chapter shall apply to any notice required by this code or other ordinances of the city or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the city.

(2) The following signs are exempt from the regulations of this section, but may be subject to other portions of zoning regulations and the city code:

   (a) Construction signs, as defined in § 14-502.

   (b) Incidental signs, as defined in § 14-502.

   (c) Wall graphics or wall murals, as defined in § 14-502.

   (d) Signs advertising the sale or lease of real estate which are located upon the real estate offered for sale or lease, provided that such signs do not exceed four (4) square feet in sign area.

   (e) Entrance and exit signs regulated by § 14-525.

   (f) Landmark signs, as defined in § 14-502.

(g) Signs for special events as allowed in § 14-520.

(h) Banners thirty-two (32) square feet or less in sign area.

(i) Flags, as defined in § 14-502.

(as added by Ord. #149, Nov. 2007)

14-502. Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) *Abandoned sign* shall mean a sign which identifies or advertises a business, lessor, owner, product, or activity that has been discontinued for thirty (30) days or more.

(2) *Attached sign* shall mean an on-premises sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen inches (18") from such building, canopy, awning, marquee or mechanical equipment. A sign which projects more than eighteen inches (18") shall be considered a "projecting sign." For the purposes of this definition only, "canopy" shall mean only a canopy which is permanently attached to a building or which, if detached from a building, has more than two hundred (200) square feet of roof area.

(3) *Awning* shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door, or other entrance to a building but excluding any column, pole, or other supporting structure to which the awning is attached.

(4) *Balloon sign* shall mean any sign painted onto or otherwise attached to or suspended from a balloon, or other inflatable device, whether such balloon or device is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

(5) *Banner* shall mean an on-premises sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure, but not including balloon signs.

(6) *Building identification sign* shall mean an on-premises sign which is limited to the identification of the name of the building and/or the address of the building upon which such sign is located.

(7) *Canopy* shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole, or other supporting structure to which the canopy may be attached.

(8) *Construction sign* shall mean any temporary on-premises sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

(9) *Detached sign* shall mean:

(a) Any freestanding sign or projecting sign;

(b) Any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area; and

(c) Any sign attached to a structure which is not a building.

(10) *Facade* shall mean the total external surface area of a vertical side of a building, canopy, awning, marquee or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning, marquee or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within twenty-five degrees (25°) of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a mansard, parapet, canopy, marquee or awning which is

oriented in the same direction (or within twenty-five degrees (25°) of the same direction) as the wall to which, or on which, such mansard, parapet, canopy, marquee or awning is mounted shall be deemed a part of the same facade as such wall.

(11) *Facing* and *surface* mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(12) *Flags* shall mean that in addition to the display of the flags of the United States, any state of the United States, the County of Hamilton and/or the City of Lakesite, each premises may display one (1) additional flag as an on-premises sign provided that such additional flag shall not exceed ninety-six (96) square feet in surface area and provided further that in no case shall such additional flag exceed the size of the flag of the United States displayed on the same premises. Such additional flag may be displayed only on a flagpole and only when the flag of the United States, a state, the County of Hamilton or the City of Lakesite is being displayed on a flagpole. At no time may such additional flag be secured by any means on more than one (1) side of the flag. The foregoing limitation on the display of flags shall not apply to stadium or athletic fields in which sporting events are routinely held.

(13) *Freestanding sign* shall mean a permanently affixed single or multi-faced on-premises sign which is constructed independent of any building and supported by one (1) or more columns, uprights, braces or constructed device. No freestanding sign shall have a total sign area of greater than three hundred (300) square feet.

(14) *Gross surface area of sign* means the entire area defined by the limits of the perimeter of a sign. However, such perimeter shall not include any structural elements lying outside or inside of the limits of such sign and not forming an integral part of the display.

(a) For computing the area of any wall sign which consists of letters, trademarks or symbols mounted on a wall, the gross surface area shall be the area within a single continuous perimeter formed by the parallel lines at the top, bottom and sides of such letters, trademarks or symbols.

(b) For computing the area of any multi-sided sign, the gross surface area shall refer to all sides of such sign.

(15) *Height* shall mean the total measurement of the vertical side of the rectangle which is used is used to calculate "sign area" as specified in this § 14-502.

(16) *Incidental sign* shall mean an on-premises sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premises sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

(17) *Inflatable* or *air-supported signs* means structures which are used for advertising promotional purposes which are supported by air. This shall include but shall not be limited to balloons or dirigibles and is synonymous with "balloon signs."

(18) *Landmark sign* shall mean any on-premises sign which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a certified historic structure, is listed as a national monument or is listed under any similar state or national historical cultural designation.

(19) *Maintenance* means the replacing or repairing of a part of a sign made unusable or unsightly by ordinary wear and tear or damage beyond the control of the owners, or the reprinting or repainting of existing copy without changing the wording, composition or color of the sign as it was approved.

(20) *Mansard* shall mean the lower portion of a roof with two (2) pitches including a flat-top roof with a mansard portion. *Mansard sign* shall mean any sign attached to the mansard portion of a roof.

(21) *Marquee* shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(22) *Message center* shall mean a sign on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a commercial electronic variable message sign.

(23) *Occupant* shall mean each separate person which owns or leases and occupies a separate portion of a premises.

(24) *Off-premises sign* shall mean a sign or a portion thereof which directs attention to a business profession, commodity or entertainment which is not primarily conducted, sold or offered upon the same premises on which the sign is located and shall include any sign which is not an "on-premises sign."

(25) *On-premises sign* shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, entertainment or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises.

(26) *Owner* means any person or persons having legal title to any sign, property, building, structure or premises, with or without accompanying actual possession thereof, and shall include such person's duly authorized agent or attorney, a purchaser, devisee, lessee, executor, trust officer, administrators or fiduciary and any person having a vested or contingent interest or control of or in the sign, property, building structure or premises in question. The term "person" shall include any legal entity.

(27) *Pennant* shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

(28) *Person* shall mean individual, company, corporation, association, limited liability company, partnership, joint venture, business, proprietorship or any other legal entity.

(29) *Portable sign* shall mean any on-premises sign which is not affixed to real property in accordance with the city's then applicable building codes or in such a manner that its removal would cause serious injury or material damage to the property or which is intended to be or can be removed at the pleasure of the owner, including, without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs. See § 14-518 for authorized uses and limitations on portable and other temporary signs.

(30) *Premises* shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefore and shall be synonymous with the terms tax parcel or lot of record.

(31) *Projecting sign* shall mean an on-premises sign attached to a building, canopy, awning, or marquee and projecting outward therefrom in any direction a distance of more than eighteen inches (18"), provided, however, that no projecting sign shall extend horizontally from the building more than eight feet (8') at the greatest distance.

(32) *Public right-of-way* or *right-of-way* means all of the land included within an area which is dedicated, reserved by deed or granted by easement for a street, alley, walkway, parkway or easement, in which the public, public agencies, utilities and service have access.

(33) *Reader board* shall mean any on-premises sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "deli inside," "tune-ups available," "year-end special" and the like.

(34) *Rigid materials* means a material or composition of materials which cannot be folded and can support its own weight when rested upon parallel edges of such materials.

(35) *Roof sign* shall mean an attached or projecting sign:

(a) Which is placed on top of or over a roof, excluding the mansard portion of a roof, or is attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers or other mechanical equipment on top of a roof;

(b) Any portion of which extends above the top of the wall, canopy or awning to which such sign is attached; or

(c) Any portion of which extends above the top of the mansard in the case of a mansard sign.

(36) *Sign* shall mean any structure or wall or device or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage, and/or which displays or includes in any manner designed or intended or which can be seen from out of doors, any message or messages, number, letter work, model, emblem insignia, symbol, device, (including without limitation balloons, blimps, or other similar or dissimilar devices), light projected images, trademark, or other representation or platform or background of any kind used as, or in the nature of, an announcement, advertisement, attention arrester, warning or designation of any person, firm, group, organization, place, community, product, service, location, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(a) Address/name signs. A sign, not exceeding one (1) square foot in area, identifying the name or house number of the occupant or the presence of a permitted home occupation.

(b) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with § 14-521 hereof.

(c) Auxiliary signs. Auxiliary signs placed in store windows regarding hours of operation, accepted charge cards, warning or similar information.

(d) Business nameplates. Non-illuminated nameplates not exceeding one (1) square foot which denote the business name of an occupation legally conducted on the premises. Only one (1) nameplate per proprietor shall be permitted.

(e) Construction signs. One (1) sign per street frontage not exceeding thirty-two (32) square feet in area. Such signs may indicate the architect, engineer or contractor and can be installed upon application of a building permit and removed upon the issuance of a certificate of completion.

(f) Flags and pennants. Flags and pennants at educational, governmental, or eleemosynary institutions which are not displayed for commercial purposes and are not greater than fifty (50) square feet in size. A maximum of four (4) flags or pennants per site may be displayed. The pole height shall be limited to the zoning district height limitation.

(g) Garage sale signs. Signs advertising garage sales, yard sales or house sales, on the day(s) that the sale is actually taking place, which do not exceed four (4) square feet. No more than two (2) signs per sale shall be permitted, with one (1) sign per street frontage on the premises containing the sale.

(h) Government signs. Traffic signs, regulatory signs, municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or noncommercial signs as may be approved by the building official or designee, governmental banners whether decorative or informational in nature.

(i) Gravestones.

(j) Historical site plaques.

(k) Inside faces of scoreboard fences or walls on athletic fields.

(l) Interior signs. Signs which are located on the interior of premises and which are primarily oriented to persons within the premises.

(m) Memorial plaques or tablets.

(n) Monument signs. Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure not exceeding four (4) square feet, denoting the name of that structure and date of erection.

(o) Promotions/special displays. A non-animated display or promotion, including the use of bunting, flags or pennants, which shall be permitted for one (1) period in each calendar year for a maximum of nine (9) days. A separate permit for such display or promotion shall be required for each instance of its use. The display of American flags shall be allowed on a permanent or temporary basis without a permit, provided that each flag does not exceed twenty-four (24) square feet. The pole height shall be limited to the zoning district height limitation.

(p) Real estate signs. Signs pertaining to the sale, rental, management or lease of real property, referred to in this section as "real estate signs" subject to the following conditions:

(i) Real estate signs shall be non-illuminated, and no more than one (1) sign per street frontage shall be posted on any property.

(ii) No real estate sign pertaining to residential property may contain more than four (4) square feet, excluding the post. When computing the four (4) square foot area, any marking or symbol which identifies a real estate licensee or group of real estate licensees shall be included.

(iii) A placard stating "Open House" may be temporarily erected on or above a residential sign on the subject property and one (1) off-premises directional sign may be permitted on private property.

(q) Signs or flags erected, provided, owned, authorized or required by duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.

(r) The display of street numbers.

(37) *Sign area.*

(a) "Sign area" shall mean for all signs except on-premises attached signs (as defined in § 14-502), the area within the rectangle (or any other geometric configuration) which is defined by the larger of:

(i) The lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on the sign structure; or

(ii) The lines which include the outer extremities of the framework or background of the sign structure or device, without limitation.

The support for the sign background, if it be columns, a pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached. Other devices such as balloons, inflatables, etc. shall be included in the sign area, whether or not forming a part of the message of the sign. On any sign structure which has multiple sign faces, any sign faces which are separated by an angle of less than sixty degrees (60°) as measured from the rear of each sign face, shall be counted separately in computing sign area; if the angle of separation of the backs of sign faces exceeds sixty degrees (60°), then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cutout letters is the area of the rectangle necessary to enclose all such letters.

(b) For attached on-premises signs, the foregoing definition of subsection (a) shall also apply, except that if any word, symbol, or group of words or symbols which would otherwise be included within the rectangle defined above are separated from another word, symbol or group of words or symbols by a distance of greater than three (3) times the height of the largest letter or symbol within such word, symbols or group of words or symbols, then separate rectangles may be used to calculate sign area, and the total of all such rectangles shall then be considered as the "sign area."

(c) The foregoing definition is applicable to all signs and when used in the context of a maximum or "not to exceed" sign area has reference to the sign area facing in any one direction. If a particular sign or sign structure faces in more than one (1) direction the maximum sign area or the "not to exceed" area refers to each side of that sign and not to the total sign area of the combined faces of the sign.

(38) *Snipe sign* shall mean any on-premises sign which is attached in any way to a utility pole, tree, rock, fence or fence post.

(39) *Special event* shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shots clinic, blood donation drives, chest x-ray clinic, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity runs, festivals, religious celebrations and charity fundraisers, and shall not include other sales or promotions in the ordinary course of business.

(40) *Temporary sign* shall mean any on-premises sign permitted specifically and exclusively for a temporary use as allowed under the provisions of § 14-518.

(41) *Wall graphics* or *wall murals* shall mean a painted scene, figure or decorative design so as to enhance the building architecture, and which does not include written trade names, advertising or commercial messages.

(42) *Width* shall mean the total measurement of the horizontal side of the rectangle or other geometric figure which is used to calculate "sign area" as specified in § 14-502.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-503. License required for erecting off-premises signs and detached on-premises signs.

No person shall carry on the business of erecting or posting or maintaining signs (as defined in § 14-502) without having secured an appropriate business license from the State of Tennessee (i.e., electrical contractor, contractor).

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-504. Disposal of glue, paste, waste material.

No person shall scatter, daub or leave any glue, paste, adhesive material or other like substance for affixing signs upon any street or sidewalk or public right-of-way or scatter or throw any old signs or waste material resulting from the erection or maintenance of signs or removed from signs on the surface of any public property, street or sidewalk or upon any private property.

(as added by Ord. #149, Nov. 2007)

14-505. Permit required to erect, maintain sign.

Except as specified in § 14-501(1), any person must obtain a sign permit from the building official prior to the erection, installation or material alteration of any sign. As used in the preceding sentence, the term "material alteration" shall mean any change in:

(a) The height of a sign;

(b) The sign area of a sign;

(c) The location of a sign;

(d) The supporting structure of a sign;

(e) The number of words in excess of eight inches (8") in height for an attached sign; such term shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. Such sign permit shall be obtained in addition to any building permit otherwise required by this code.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-506. Application for sign permit; fees; expiration and renewal of permits.

Application for the sign permit required by the proceeding section shall be made to the building official concurrently with an application for a building permit if required and shall be accompanied by such drawings, plans, specifications and engineering designs in compliance with the provisions of the then current standard building code most recently adopted by the City of Lakesite for the proposed sign as may be necessary, in the judgment of the building official, to fully advise and acquaint him with the proposed construction thereof. Further, the applicant must provide proof of a State of Tennessee license that qualifies the contractor/electrician to perform the duties required in the construction of the sign. The application shall also include the owner and address of the premises where such sign is to be located, together with the size of the proposed sign, location of the sign on the premises, and a description of any other signs located on such premises or for which a permit has been issued and remains outstanding.

Any application for a sign permit or temporary sign permit shall be approved or denied by the building official within ten (10) business days, excluding holidays recognized by the City of Lakesite, after the filing of the application for such permit, and in the event the building official does not approve or deny an application within said period, the applicant may refer the matter directly to the city manager who shall require action thereon. Notwithstanding the provisions of the foregoing sentence, the building official may grant contingent approval subject to on-site inspection in cases where an applicant for a temporary sign permit requires immediate attention on the application.

The owner of any sign for which a new sign permit is required, and which permit has been granted, shall notify or cause to be notified the office of the building official of the date the erection or material alteration of the sign will begin not less than forty-eight (48) hours prior to the beginning of such work. Such owner shall also notify or cause to be notified the office of the building official of the completion of such work within forty-eight (48) hours after completion of such work. The failure to give or cause to be given either of the notices set forth in this paragraph shall constitute a violation of this chapter and shall subject any sign erected without both of the above notices having been given to abatement as a nuisance.

Where not otherwise specified in this section, the fees for sign permits shall be as follows:

(1) Failure to obtain permitDouble the fee

(2) Temporary sign$20.00

(3) On-premises sign$50.00

(4) Billboard/Off-premises sign$100.00

(5) Re-inspection fee$50.00

Any sign for which any permit has been issued but for which no substantial expenditures have been made as of the effective date of this chapter shall only be erected in accordance with the provisions of this chapter except that no additional initial permit charge will be required for any permit which has already been issued and for which a permit fee has been paid.

Any sign permit issued pursuant to this chapter for the erection of a sign shall expire ninety (90) days from the date of its issuance in the event such sign has not been fully erected within said ninety (90) days, provided, that upon good cause shown to the building official such permit may be renewed one (1) time for a period not to exceed ninety (90) additional days. If a permit is requested for a location on which a valid permit is already outstanding but has not expired, and upon which no sign has been erected, and if such subsequent permit is requested by a person other than the holder of the outstanding permit, the office of the building official shall file, without fee, such application for the subsequent permit. In the event the outstanding permit expires without a sign being erected, as set forth above, the next valid permit application on file with the building official shall be processed upon payment of the required fee.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-507. No permits to be issued in violation of ordinances; approval of building official; yearly maintenance and safety inspections; inventory of certain existing signs.

The building official shall not issue any sign permit for any sign which is not in conformance with the City Code of Lakesite and applicable state laws, including but not limited to all electrical codes of the City of Lakesite. The city recorder shall collect the standard city permit fee with the application for each sign or sign structure. The building official may make or cause to be made an annual maintenance, compliance and safety inspection of each off-premises sign, freestanding on-premises sign and projecting on-premises sign and/or balloons, blimps or other similar devices. The office of the building official may place upon any sign subject to the annual maintenance, compliance and safety inspection a sticker or other device to indicate the date of such inspection, provided that such sticker or device shall not interfere with the message of such sign.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-508. Power to revoke permit; remedies for violation.

(1) If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the building official shall revoke any such permit and order the removal of such sign within thirty (30) days.

(2) If the building official determines that any sign erected pursuant to a permit issued under the provisions of this chapter is in violation of any provision of this chapter by error in the construction of the sign, the building official shall:

   (a) Notify the holder of the permit of the nature of the non-compliance and allow the holder a reasonable amount of time, but not less than fifteen (15) days nor in excess of sixty (60) days, to correct the defects giving rise to the non-compliance; or

   (b) If such non-compliance cannot be corrected, to require the removal of the non-complying sign within thirty (30) days of the expiration of the period for correction specified above.

(3) If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this code, the building official may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such sign, provided, however, that any such permit so issued shall in no event operate to relieve the person so erecting a sign without a permit from any penalties provided by this chapter until such permit has been issued.

(as added by Ord. #149, Nov. 2007)

14-509. Owner's name required on off-premises signs.

No sign permit shall be issued to any applicant to erect an off-premises sign unless the applicant agrees to place and maintain on each such sign the name and permit number of the person or entity owning or in possession, charge or control thereof. The building official shall verify that the name and permit number of the person or entity owning or in control of such sign is placed upon the same forthwith upon the erection of such sign and kept thereon at all times while such sign is maintained.

(as added by Ord. #149, Nov. 2007)

14-510. Nonconforming signs.

(1) Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Lakesite, Tennessee, and such signs so erected in violation of any prior ordinances shall be subject to removal upon notice from the city. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of City of Lakesite, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, nonconforming signs.

(2) For off-premises signs, any person owning, controlling or having a substantial ownership interest in any illegally erected or maintained nonconforming off-premises sign(s) shall remove all such illegally erected and maintained off-premises sign and its supporting structure prior to the issuance of any off-premises sign permit to such person until such person no longer owns, controls or has a substantial ownership interest in any illegally erected or maintained nonconforming off-premises signs. Evidence of the removal of an illegally erected off-premises sign shall be furnished to the satisfaction of the building official. As used herein, "substantial" ownership interest shall mean any ownership interest in excess of five percent (5%) of the total ownership interest.

(3) For on-premises signs, any occupant (as defined in § 14-502) who applies for a new sign permit for any on-premises detached sign shall be required to either remove all legal nonconforming detached signs and the devices (as defined in § 14-502) on the area of the property occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on-premises attached sign shall be required to either remove all legal nonconforming attached signs and the devices (as defined in § 14-502) on the area of the premises occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued.

(4) Notwithstanding any other provision of this chapter, any person using a sign for which a temporary sign permit must be obtained on the effective date of the ordinance comprising this chapter must obtain a temporary sign permit as required by §§ 14-518 and 14-519 within sixty (60) days of the effective date of the ordinance comprising this chapter and thereafter may use temporary signs only in accordance with the provisions of this chapter.

(as added by Ord. #149, Nov. 2007, as amended by Ord. #219, March 2013)

14-511. Violation declared misdemeanor; penalty.

Any person who shall violate any provision of this chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the building official or codes officer within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this chapter shall be punishable by a fine

of up to fifty dollars ($50.00), and each day of continuing violation is deemed a separate and continuing offense, punishable by up to fifty dollars ($50.00) for each day of violation.

(as added by Ord. #149, Nov. 2007)

14-512. Violations declared nuisances; pre-existing violations.

The maintenance of any unused sign and/or its supporting structure or any violation of the provisions of this chapter by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this section. For the purposes of this section, "unused sign" shall include any sign which:

(1) Has not displayed a message or messages for more than ninety (90) days; or

(2) Is not kept in good structural repair; or

(3) For which the sign face contains a physically and/or visibly deteriorated torn, weathered, chipped, peeling message; or

(4) Any violations of the electrical code and/or any other applicable city adopted code, such that the sign could pose a risk to public health or safety.

Except for temporary signs regulated by §§ 14-518 and 14-519 of this chapter, every sign to which the provisions of this chapter shall apply that was legally erected prior to the effective date of the ordinance comprising this chapter and was in use on said date, but which violates any of the provisions of this chapter, shall not be subject to removal, provided, that the owner of any legal nonconforming off-premises sign shall obtain (without charge) within sixty (60) days of the effective date of the ordinance comprising this chapter a permit from the building official which permit shall be marked on the face thereof: "nonconforming sign permit." In the event that there shall be future non-use of any legal nonconforming on-premises or off-premises sign and/or its supporting structure for more than ninety (90) days, said nonconforming sign and its supporting structure shall then be removed forthwith within the time allowed in the notice required by § 14-513 or the building official may cause said removal to be done as provided in this chapter.

(as added by Ord. #149, Nov. 2007)

14-513. Notice requiring abatement of violation; abatement by city lien for costs.

Upon ascertaining a violation of the provisions of this chapter, the building official or codes officer shall cause to be served upon both the offender, or his agent, and upon the owner, or his agent, or the occupant(s) of the premises, a written notice to abate such violations(s) which shall:

(1) Describe the conditions constituting a nuisance under this chapter; and

(2) State that the nuisance may be abated by the city at the expense of the offender, and/or the owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor more than sixty (60) days from the date of such notice.

If, at the expiration of the time the nuisance described in said notice to abate, the condition has not been corrected, then such condition may be abated by the city at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the building official. Provided further, in the event of an emergency which, in the opinion of the building official justifies immediate action to protect the health and safety of persons and/or to protect property, the city may take such steps as are necessary, without notice, to abate the condition or situation. In any such event(s), the city shall have a lien on the sign structure and upon property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the amount expended for the abatement of such nuisance, including attorney fees and costs of enforcement, and shall include all delinquent charges clue for such sign.

(as added by Ord. #149, Nov. 2007)

14-514. Appeals.

An appeal to the city manager from any adverse decision of the building official may be filed in writing with the city recorder within ten (10) days from any such decision; the city manager shall, within fifteen (15) days of the filing of the appeal, set a date upon which a hearing shall be held; the city manager shall promptly notify the person filing the appeal of the hearing date. The decision of the city manager upon any such appeal shall be final. The provisions of this section shall not be construed to allow the city manager to grant any variance or special exception to the provisions of this chapter, and the jurisdiction of the city manager upon any such appeal shall extend only to questions of fact and to questions involving the interpretation of the provisions of this chapter.

(as added by Ord. #149, Nov. 2007)

14-515. Prohibited signs.

Use of the following signs shall be prohibited:

(1) Signs having any flashing, intermittent, animated illumination or moving parts which are visible beyond the property line, except for the portion of signs that display time and temperature.

(2) Signs placed on or painted on a motor vehicle, boat or trailer and parked with the primary purpose of providing signs not otherwise allowed by these regulations.

(3) Inflatable air or balloon signs as defined in § 14-502, except where specifically permitted for an authorized temporary use in § 14-518.

(4) Pennants as defined in § 14-502.

(5) Beacons.

(6) Abandoned signs, as defined in § 14-502.

(7) Permanent signs on undeveloped sites.

(8) Signs on top of any building or rooftop, as defined in § 14-502.

(9) Portable signs as defined in § 14-502, except where specifically permitted for an authorized temporary use in accordance with this chapter (§ 14-518).

(10) Snipe signs, as defined in § 14-502.

(11) Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located, i.e. off-premises signs. An exception may be made for such signs which do not exceed one hundred twenty (120) square feet and a height of six feet (6'). No stacking of such signs is permitted and there must be one thousand feet (1,000') between signs.

(12) Obscene displays on signs. For the purpose of this section "obscene" shall have the same meaning as provided in Tennessee Code Annotated, § 39-17-902, as now enacted or hereafter amended.

(13) Signs over streets or sidewalks. No sign of any kind shall be permitted to project over or be suspended over or across any street or sidewalk except in accordance with the limitation provided in the definition of a "projecting sign" in § 14-502 of this chapter.

(14) Banners in excess of thirty-two (32) square feet in sign area, except where specifically permitted for an authorized temporary use in accordance with the provisions of § 14-520 hereof, and provided in no event may any banner be displayed unless it is secured on all corners in a manner designed to prevent

excessive movement in the wind and unless it does not obstruct views of vehicular and pedestrian traffic.

(15) Signs distracting to motor vehicle operators prohibited.

(a) Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or is distracting to drivers and thereby hazardous and dangerous to the traveling public.

(b) No off-premises or on-premises sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except as follows:

(i) That tri-vision and electronic light emitting display off-premises signs with moving parts shall be permitted provided that the message on must change in no less than two (2) seconds and shall remain static for no less than nine (9) seconds,

(ii) On-premises message centers shall be allowed provided a special permit has been obtained pursuant to the provisions of this chapter,

(iii) On-premises signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided that each display shall remain constant for a minimum of four (4) seconds; and,

(iv) Off-premises scroll-light signs shall be permitted provided that the message must change in less than six (6) seconds and shall be static for no less than nine (9) seconds.

(c) No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.

(d) Any signs which contain light emitting diode (LED), liquid crystal display (LCD) illumination or any sign capable of its message/display being changed by electronic/remote means shall comply with the following requirements or equivalent:

(i) All LED signs and on-premises or off-premises message centers shall be mounted on permanent sign structures only. Vehicle-mounted LED displays of any type, including parked or moving vehicles, are prohibited.

(ii) All LED signs and on-premises message centers shall have static images only. Flashing signs, scrolling message signs, or any form of animated images are prohibited. Audible signs are also prohibited.

(iii) LED images shall be displayed a minimum of ten seconds.

(iv) Transitions between images shall be a minimum of two seconds and shall be a fade out/fade in image change only. Scrolling transitions or abrupt image changes are prohibited.

(v) Automated light intensity and dimming controls for LED signs shall be required.

(vi) Using industry standards, daytime brightness levels should be no more than ninety percent (90%) of maximum intensity. Nighttime brightness shall be reduced to thirty percent (30%) of the maximum light intensity for the LED sign. The Building Official shall establish daytime and nighttime brightness levels based upon (mCd) levels which have been approved for all

LED signs. [A millicandela (mCd) is the unit of measure commonly used to describe LED brightness.]

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-516. Change of sign classification - removal.

If for any reason an off-premises sign becomes an on-premises sign, such on-premises sign and its supporting structure shall be removed within thirty (30) days of the change of classification unless such sign is in compliance with all of the provisions of this chapter governing on-premises signs. If for any reason an on-premises sign becomes an off-premises sign, such off-premises sign and its supporting structure shall be removed within thirty (30) days unless such sign is in compliance with all of the provisions of this chapter governing off-premises signs.

(as added by Ord. #149, Nov. 2007)

14-517. General off-premises sign regulations.

Unless otherwise provided in this chapter, the following regulations shall govern the construction and maintenance of any off-premises sign within the city.

(1) The highest portion of a sign or sign structure shall not exceed the lower of:

  (a) Thirty-five feet (35') above the closest point, measured vertically, on the grade of the slope of the real estate upon which the sign or sign structure is located if the sign or sign structure is located on a higher grade than the finished grade of the public road towards which the sign is principally oriented and from which it is principally intended to be viewed; or

  (b) If the sign or sign structure is located on the same or on a lower grade than either the roadway toward which it is principally oriented or the roadway to which it is (measured horizontally) nearer, whichever roadway is nearer, than thirty-five feet (35') above the closest point on the top of the finished grade of either the roadway toward which it is principally oriented or the roadway to which it is (measured horizontally) nearer, whichever roadway is nearer.

(2) No sign area shall exceed one hundred twenty (120) square feet and no new off-premises sign with a sign area exceeding one hundred twenty (120) square feet shall be permitted or erected in the City of Lakesite. No sign shall exceed six feet (6') in height.

(3) Sign structures supporting an off-premises sign of any size shall be spaced not less than one thousand feet (1,000') apart regardless of the direction in which any such sign is facing; said spacing shall only apply to signs on the same side of the street, provided, however, that any off-premises sign located within three hundred feet (300') of the center of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty feet (350') in all directions from any other off-premises sign of any size. No stacking of such signs is permitted.

(4) Off-premises shall be located no closer than twenty feet (20') to the closest edge of any public right-of-way, no closer than ten feet (10') to the property line of any adjacent commercially zoned real property and no closer than twenty-five feet (25') to the property line of any adjacent residentially owned property.

(5) No sign shall be erected so that the lowest portion of the sign face is less than twelve feet (12'), measured vertically, from the closest point on the grade of the real estate upon which the sign or sign structure is located.

(6) No sign shall be permitted on top of any building or rooftop.

(7) No sign face shall be permitted atop or beneath another sign face, i.e., no "stacked" signs are permitted on any sign structure, building or rooftop.

(8) No sign shall be located where prohibited or not permitted by the Lakesite Zoning Ordinance, as amended, or as may hereafter be amended.

(as added by Ord. #149, Nov. 2007)

14-518. Authorized use of temporary signs and banners.

Banners in excess of thirty-two (32) square feet, portable signs and balloon and inflatable signs shall be allowed on-premises for certain temporary uses only. All lighted temporary signs shall utilize approved electrical conduit. A temporary sign permit shall be required prior to placement or erection of such sign or banner. Each occupant of a premises shall be entitled to obtain a temporary sign permit. Any such temporary sign permit shall be issued only in accordance with the following:

(1) *Limits on use of temporary signs.* With the exception of new businesses or new owners of existing businesses no person or occupant shall be eligible for issuance of temporary sign for more than a total of sixty (60) days during any calendar year, and no occupant or premises shall be allowed to use more than one (1) temporary sign at a time. New businesses or new owners of existing business may use temporary signs and banners for up to ninety (90) days to advertise the new business or new owner. All existing temporary signs must be removed within sixty (60) days of the enactment of this chapter.

(2) *Time limit for display of temporary signs.* All temporary sign permits shall state an effective date and an expiration date. Any temporary sign and its supporting structure (including balloons) permitted under this chapter shall be removed on or before the expiration date on the temporary sign permit.

(3) *Size and placement of temporary signs.* No temporary sign shall exceed two hundred (200) square feet in sign area. No temporary sign shall be placed closer than twenty feet (20') to any public right-of-way, and no temporary sign may be placed in any public parking space. No part of any temporary sign may be located within forty feet (40') of two (2) public rights-of-way.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-519. Removal of temporary signs.

Notwithstanding any provision of this chapter to the contrary, the building official or codes officer shall, upon ascertaining a violation of the provisions of this chapter, cause a written notice to abate such nuisance to be served upon the offender, or his agent, and upon the owner or occupant of the premises. Such notice shall require abatement of such nuisance within forty-eight (48) hours from the time of such notice. Notwithstanding the foregoing, if a violation of the provisions of this chapter is willful and intentional the building official or codes officer shall issue a citation to city court to such offender in addition to or in lieu of any notice to abate served upon such offender.

(as added by Ord. #149, Nov. 2007, as amended by Ord. #219, March 2013)

14-520. Special events.

(1) The sponsor of a special event lasting three (3) days or less shall not be required to obtain a sign permit but shall notify the building official of such event in writing no less than five (5) business days before the beginning of such event; such notification shall include the name of the sponsor, the location of the event, the owner of the location, the dates of the event, and the type of special event. The sponsor of a special event lasting more than three (3) but no more than thirty (30) days shall obtain a special permit from the building official prior to the beginning of such event.

(2) The sponsor of a special event may use temporary on-premises signs, flags, lights, pennants, streamers, balloons, balloon signs and banners during the special event provided, that the use of such signs and devices shall be subject to §§ 14-515, 14-518, 14-519, 14-520, and 14-524 of this chapter and to any conditions placed upon such use by the building official where a special permit must be obtained.

(3) No part of any sign or other device for a special event may be placed closer than twenty feet (20') to any open public right-of-way. No part of any sign or other device for a special event may be located within forty feet (40') of two (2) open public rights-of-way.

(4) All signs and other devices for a special event shall be promptly removed after the end of the special event and in no case shall such signs and devices remain on display longer than thirty-six (36) hours after the end of the special event.

(5) No sponsor or occupant may display signs and devices for special events pursuant to this section on the same premises for more than a cumulative total of thirty (30) days per calendar year. Each special event lasting three (3) days or less shall be counted as three (3) days for the purposes of this section.

(as added by Ord. #149, Nov. 2007)

14-521. General regulation of permanent on-premises signs.

Other than signs which are prohibited under the provisions of this chapter or which are permitted as temporary signs pursuant to this chapter, the section hereinafter shall regulate the general use of on-premises signs.

(1) Each premises shall be allowed no more than one (1) detached sign for each public street upon which the premises fronts (excluding public and private alleyways), provided that not more than one (1) detached sign shall be primarily oriented towards any such public street.

(2) In addition, each occupant of a premises who leases a building which is freestanding and unattached to any other building on such premises shall also be allowed one (1) detached sign for each public street upon which occupant's building fronts, provided that such sign is located within the area leased to occupant and oriented towards such public street.

(3) Notwithstanding the provisions of subsections (1) and (2), if a detached sign is sign is located within fifty feet (50') of the closest edge of the intersecting right-of-way of two (2) or more public streets, only one (1) detached sign shall be allowed for such premises.

(4) In addition to any detached sign permitted above, on any premises where goods and/or services are offered from a "drive-thru" window or which may otherwise be purchased by a person without the necessity of exiting his or her motor vehicle, one (1) additional detached sign not in excess of eight feet (8') in height or in excess of thirty-two (32) square feet in sign area shall be permitted.

(5) The number of attached signs for a premises, or for each occupant of a premises, shall not be limited, but the total sign area of attached signs shall not exceed twenty percent (20%) of the area of the facade to which the signs are attached. The number of words in an attached sign (excluding a message center) shall not be limited, but not more than eight (8) words attached to a facade may contain any letters in excess of six inches (6") in height, if any premises is entitled to use a detached sign pursuant hereto but does not do so, then the total sign area of attached signs on each facade may be increased but shall in no event exceed thirty percent (30%) of the area of the facade to which the signs are attached.

(6) For the purpose of the section, "word" shall mean any word, number, abbreviation, trademark, symbol or name. The purpose of this section may not be circumvented by combining words which are

ordinarily separated to make one word such as "gas for less," and in such case, each separate letter shall be counted as a word.

(as added by Ord. #149, Nov. 2007, as amended by Ord. #219, March 2013)

14-522. Maximum size limitations for detached signs.

(1) The permitted size of a detached sign shall be determined in accordance with the distance which such sign is set back from the right-of-way as specified in § 14-523 but the sign area of a detached sign (whether a freestanding sign or projecting sign) shall not exceed one hundred seventy-five (175) square feet in size per sign face, except as provided for in § 14-528(b), below. The sign area of a detached sign shall be calculated in accordance with the provisions of the defined term "sign area" in § 14-502 of this chapter, except that the dimensions of any reader board shall be calculated individually and not as if the reader board were included within the rectangular sign area of any other sign. If, instead of being supported by a simple pole or beam system, a freestanding sign is supported by or attached to any other type of freestanding opaque structure which serves as a background for the sign and obscures vision through such structure, then the structure shall itself be included in determining the size of the sign.

(2) For premises which have frontage along any single public road or public right-of-way in excess of three hundred fifty (350) linear feet along such road or right-of-way and which have more than two (2) occupants, all of the provisions of § 14-528(1) shall apply, except that the sign area of a freestanding sign located along such frontage shall not exceed three hundred (300) square feet. In addition, if any premises which has more than two (2) occupants has less than three hundred fifty (350) linear feet of frontage along a public road or public right-of-way but has a developed store or building frontage of greater than five hundred (500) linear feet, then the sign area of a detached sign shall not exceed three hundred (300) square feet.

(as added by Ord. #149, Nov. 2007)

14-523. Setback requirements for detached signs.

No detached sign may be closer than ten feet (10') to any street or right-of-way; no detached sign with a sign area larger than forty (40) square feet may be closer than fifteen feet (15') to any street or right-of-way; and no detached sign which is larger than one hundred (100) square feet may be closer than twenty feet (20') to any street or right-of-way. Notwithstanding the foregoing setback limitations, any projecting sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but not over any public street and not in excess of the distance otherwise permitted hereunder. Notwithstanding the foregoing, any owner from whose property any sign may project over any public right-of-way shall, prior to erecting or installing such sign, obtain a temporary use permit from the city subject to such conditions as may be required by the building official.

(as added by Ord. #149, Nov. 2007, as amended by Ord. #219, March 2013)

14-524. Minimum and maximum height limitations on detached signs.

All projecting signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten feet (10'). A freestanding sign or its supporting structure whose closest point is located no closer than ten feet (10') from any right-of-way may not exceed twenty feet (20') in height above the adjacent public right-of-way at its closest point. For each additional foot of setback beyond ten feet (10') from the right-of-way, a freestanding sign may extend an additional one foot (1') in height above the level of the adjacent public right-of-way at its closest point, up to a maximum of thirty feet (30') in height. Notwithstanding the foregoing provisions of this section, in the event a freestanding sign is placed on ground which is higher than the closest point on the adjacent public right-of-way, the maximum height of such sign shall be measured from the lowest

point of the ground over which such sign is located, if, and only if, every part of such sign and its supporting structure is located within fifty feet (50') of the closest adjacent public right-of-way.

(as added by Ord. #149, Nov. 2007)

14-525. Traffic directional signs.

The number, height and setback limitations in §§ 14-521, 14-522, 14-523 and 14-524 above shall not apply to on-premises entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty inches (30") in height nor more than six (6) square feet in sign area, and further provided that no such signs shall contain any words other than customary motor vehicle or pedestrian traffic directional instructions, and shall not otherwise, in the judgment of the building official or his/her designee, obstruct traffic sight lines or otherwise impair traffic movement.

(as added by Ord. #149, Nov. 2007, and amended by Ord. #219, March 2013)

14-526. Maintenance of on-premises signs.

All on-premises signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective or deteriorated parts shall be replaced. The building official or codes officer shall order the removal of any on-premises sign which is defective, damaged or substantially deteriorated pursuant to this chapter.

(as added by Ord. #149, Nov. 2007)

14-527. Flags.

In addition to the display of the flags of the United States, any state of the United States, the County of Hamilton and/or the City of Lakesite, each premises may display one (1) additional flag as an on-premises sign provided that such additional flag shall not exceed ninety-six (96) square feet in surface area and provided further that in no case shall such additional flag exceed the size of the flag of the United States displayed on the same premises. Such additional flag may be displayed only on a flagpole and only when the flag of the United States, a state, the County of Hamilton or the City of Lakesite is being displayed on a flagpole. At no time may such additional flag be secured by any means on more than one (1) side of the flag. The foregoing limitation on the display of flags shall not apply to stadium or athletic fields in which sporting events are routinely held.

(as added by Ord. #149, Nov. 2007)

14-528. Compliance and corrective provisions.

(1) Notwithstanding any other provisions of this chapter, the following regulations shall govern the alteration and maintenance of any existing on-premises or existing legal nonconforming off-premises signs. Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance of the City of Lakesite, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal as provided in this section. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or

ordinances of the City of Lakesite, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, nonconforming signs, and shall be abated and removed hereafter in accordance with this section.

(2) For on-premises signs, any occupant who applies for a new sign permit for any on-premises detached sign shall be required to either remove or cause the removal of all legal nonconforming detached signs and the devices designated in or on the area of the property occupied by such occupant, or to bring all nonconforming signs on that property into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on-premises attached sign shall be required to either remove all legal nonconforming attached signs in or on the area of the premises occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued. For the purpose of this subsection, the term "property" is intended to mean the entire tract of real property which has been assigned a separate tax map and parcel number and is not intended to be limited to a separate unit of a multi-unit property.

(3) A nonconforming sign shall be made conforming if one of the following situations occur:

(a) Any modification of sign appearance, other than normal maintenance necessary to retain the original structure of the sign; or

(b) Removal of the sign, except when removal is done for maintenance and the sign is re-erected within fourteen (14) days; or

(c) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign which duplicates the old; or

(d) Any sign prohibited by the adoption of the ordinance comprising this chapter shall be removed within ninety (90) days from written notification if erected, constructed or placed subsequent to the adoption of the ordinance comprising this chapter.

(as added by Ord. #149, Nov. 2007)

14-529. Various building and safety codes applicable.

Notwithstanding any other provision of this chapter the various buildings and safety codes of the City of Lakesite, as now enacted or hereafter adopted or amended, including but not limited to the electrical code, shall be applicable to all signs and sign structures.

(as added by Ord. #149, Nov. 2007)

14-530. Severability.

That if any section, sentence, clause, phrase, word or figure contained in this chapter should be declared invalid by a final decree of a court of competent jurisdiction, such holding shall not affect the remaining sections, sentences, clauses, phrases, words and figures contained in the chapter, but the same shall remain in full force and effect.

(as added by Ord. #149, Nov. 2007)

CHAPTER 6. MULTI-MODAL TRANSPORTATION STANDARDS

14-601. Adoption of standards.

All new construction shall be completed in accordance with the attached details based upon the Tennessee Department of Transportation Classification of each road unless specified otherwise in this document. All development or redevelopment along an existing roadway or a roadway in a new development shall be responsible for improving the existing roadway from the centerline toward the site in accordance with the

standard specified in Section 14-603 for the length of the property. These typical sections will be applied to all public rights-of-way within the City of Lakesite.

(as added by Ord. No. 298 , § 1, 9-19-2023)

14-602. Exceptions.

Notwithstanding the standards specified in Section 14-601 or otherwise in this ordinance, the following streets shall be constructed to the Collector standard:

a. Hixson Pike (upon the approval of the Tennessee Department of Transportation);

b. Daisy Dallas Road.

(as added by Ord. No. 298 , § 1, 9-19-2023)

14-603. Typical sections.

The following typical sections will provide a guideline for projects on public rights-of-ways within the City of Lakesite.

(as added by Ord. No. 298 , § 1, 9-19-2023)

Title 15 MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER 1. MISCELLANEOUS[2]

15-101. Motor vehicle requirements.

It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9.

(1972 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc.

Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.

(1972 Code, § 9-106)

15-103. Reckless driving.

Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

(1972 Code, § 9-107)

15-104. Driving under the influence.

(See Tennessee Code Annotated, §§ 55-10-401, 55-10-303, and 55-10-307).

(1972 Code, § 9-108, modified)

15-105. One-way streets.

On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction.

(1972 Code, § 9-109)

---

[1]Cross reference(s)—
Chattanooga Area Regional Transportation Authority: title 20.
Excavations and obstructions in streets, etc.: title 16.

[2]State law reference(s)—Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-106. Unlaned streets.

(1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(1972 Code, § 9-110)

15-107. Laned streets.

On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

(1972 Code, § 9-111)

15-108. Yellow lines.

On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

(1972 Code, § 9-112)

15-109. Miscellaneous traffic control signs, etc.

It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer.

(1972 Code, § 9-113)

Cross reference(s)—Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505—15-509.

15-110. General requirements for traffic control signs, etc.

All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,[3] published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive.

(1972 Code, § 9-114, modified)

15-111. Unauthorized traffic control signs, etc.

No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

(1972 Code, § 9-115)

15-112. Presumption with respect to traffic control signs, etc.

When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority.

(1972 Code, § 9-116)

15-113. School safety patrols.

All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

(1972 Code, § 9-117)

15-114. Funeral processions.

See Tennessee Code Annotated, § 55-8-183.

15-115. Clinging to vehicles in motion.

It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.

(1972 Code, § 9-120)

[3]Editor's note(s)—This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15-116. Riding on outside of vehicles.

It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

(1972 Code, § 9-121)

15-117. Backing vehicles.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(1972 Code, § 9-122)

15-118. Projections from the rear of vehicles.

Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

(1972 Code, § 9-123)

15-119. Causing unnecessary noise.

It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

(1972 Code, § 9-124)

15-120. Vehicles and operators to be licensed.

It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

(1972 Code, § 9-125)

15-121. Passing.

Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right. When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

(1972 Code, § 9-126)

15-122. Damaging pavements.

No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street.

(1972 Code, § 9-119)

15-123. Bicycle riders, etc.

(1) Every person riding or operating a bicycle, motor cycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooter.

(2) No person operating or riding a bicycle, motorcycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(5) No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles.

(1972 Code, § 9-127)

15-124. Operation of motor vehicles on parks and playgrounds prohibited.

It shall be unlawful for any person to operate any motor driven vehicle of any kind upon any park, playground, or school-ground within the city.

(Ord. #28, Aug. 1981)

CHAPTER 2. EMERGENCY VEHICLES

15-201. Authorized emergency vehicles defined.

Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

(1972 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(1972 Code, § 9-103)

Cross reference(s)—Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

15-203. Following emergency vehicles.

No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(1972 Code, § 9-104)

15-204. Running over fire hoses, etc.

It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman.

(1972 Code, § 9-105)

CHAPTER 3. SPEED LIMITS

15-301. In general.

It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of twenty-five (25) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

(Ord. #29, Aug. 1981, modified)

15-302. At intersections.

It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets.

(1972 Code, § 9-202)

15-303. In school zones and near playgrounds.

It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police.

(1972 Code, § 9-203)

15-304. In congested areas.

It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality.

(1972 Code, § 9-204)

CHAPTER 4. TURNING MOVEMENTS

15-401. Generally.

No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.

(1972 Code, § 9-301)

State law reference(s)—Tennessee Code Annotated, § 55-8-143.

15-402. Right turns.

Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

(1972 Code, § 9-302)

15-403. Left turns on two-way roadways.

At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two (2) roadways.

(1972 Code, § 9-303)

15-404. Left turns on other than two-way roadways.

At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(1972 Code, § 9-304)

15-405. U-turns.

U-turns are prohibited.

(1972 Code, § 9-305)

CHAPTER 5. STOPPING AND YIELDING

15-501. Upon approach of authorized emergency vehicles.

Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge of curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(1972 Code, § 9-401)

Cross reference(s)—Special privileges of emergency vehicles: title 15, chapter 2.

15-502. When emerging from alleys, etc.

The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.

(1972 Code, § 9-402)

15-503. To prevent obstructing an intersection.

No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed.

(1972 Code, § 9-403)

15-504. At "stop" signs.

The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety.

(1972 Code, § 9-405)

15-505. At "yield" signs.

The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

(1972 Code, § 9-406)

CHAPTER 6. PARKING

15-601. Generally.

No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley between the hours of 11:00 P.M. and 6:00 A.M.

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

(1972 Code, § 9-501, as amended by Ord. #166, Aug. 2006)

15-602. Where prohibited.

No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection or within fifteen (15) feet thereof;

(4) Within fifteen (15) feet of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within fifty (50) feet of a railroad crossing;

(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(10) Upon any bridge;

(11) Alongside any curb painted yellow or red by the city.

(1972 Code, § 9-504)

15-603. Presumption with respect to illegal parking.

When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

(1972 Code, § 9-512)

CHAPTER 7. ENFORCEMENT

15-701. Issuance of traffic citations.

When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

(1972 Code, § 9-601)

State law reference(s)—Tennessee Code Annotated, § 7-63-101, et seq.

15-702. Failure to obey citation.

It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

(1972 Code, § 9-602)

15-703. Illegal parking.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

(1972 Code, § 9-603, modified)

15-704. Impoundment of vehicles.

Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars ($5.00) and a storage costs of one dollar ($1.00) per day shall also be charged.

(1972 Code, § 9-604)

15-705. Violation and penalty.

Any violation of this title shall be a civil offense punishable as follows:

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

(2) *Parking citations.*

(a) *Parking meter.* If the offense is a parking meter violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars ($3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days but before a warrant for his arrest is issued, his fine shall be ten dollars ($10.00).

(b) *Other parking violations excluding handicapped parking.* For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of ten dollars ($10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days but before a warrant is issued for his arrest, his civil penalty shall be twenty-five dollars ($25.00).

(c) *Handicapped parking.* Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars ($100.00).

(Ord. #66, May 1990, as deleted and replaced by Ord. #170, Oct. 2006)

15-706. [Renumbered.]

Editor's note(s)—(as renumbered by Ord. #170, Oct. 2006)

Title 16 STREETS AND SIDEWALKS, ETC.[1]

CHAPTER 1. MISCELLANEOUS

16-101. Obstructing streets, alleys, or sidewalks prohibited.

No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

(1972 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated.

It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet.

(1972 Code, § 12-202)

[1]Cross reference(s)—Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

(1972 Code, § 12-203)

16-104. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of commissioners.

(1972 Code, § 12-205)

16-105. Littering streets, alleys, or sidewalks prohibited.

It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

(1972 Code, § 12-207)

16-106. Obstruction of drainage ditches.

(1) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way.

(2) Property owners to maintain adjacent ditches. Property owners are required to keep culverts and/or drainage ditches adjacent to their property sufficiently clear to allow the free flow of water.

(3) In the event a property owner fails to maintain the culvert and/or drainage ditch as required in subsection (2):

   (a) The city engineer and/or maintenance and utilities department shall notify the property owner that the culvert and/or drainage ditch adjacent to the subject property is in need of specific maintenance.

   (b) Specific maintenance will be defined in writing to the property owner.

   (c) Property owner shall have thirty (30) days to comply with the required maintenance unless upon request to the City of Lakesite, with good cause shown that the thirty (30) day period creates an undue hardship.

   (d) The City of Lakesite may grant an extension of an additional thirty (30) days in writing.

   (e) The property owner shall present additional requests for extension to the city commissioners.

   (f) The city commissioners with the advice of the city engineer and/or the maintenance and utilities department shall make a determination to grant or deny additional time.

   (g) Failure of property owner to perform maintenance of the said culvert and/or drainage ditch within the allotted time or extended time period shall subject the property owner to the following:

      (i) The City of Lakesite shall cause appropriate maintenance to be implemented by a private contractor with work to be performed in compliance with the city engineer or maintenance and utilities department directive.

(ii) The city shall bill the property owner via certified mail, the contractor cost of performing said maintenance with payment to the city within thirty (30) days of certified mailing. Failure to pay said billing or failure to work out a pay plan to the satisfaction of the city shall cause the city to file a lien against the subject property.

(1972 Code, § 12-208, as replaced by Ord. #239, Nov. 2015)

16-107. Parades regulated.

It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city manager.

No permit shall be issued by the city manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter.

(1972 Code, § 12-210, modified)

16-108. Fires in streets, etc.

It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

(1972 Code, § 12-213)

CHAPTER 2. STREET EXCAVATION AND CONSTRUCTION

16-201. Short title.

This chapter shall be known and may be cited as the "Street Excavation and Construction Ordinance of the City of Lakesite, Tennessee."

(1972 Code, § 12-101, modified, as replaced by Ord. #254, July 2017)

16-202. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) *Applicant* is any person making written application to the building official or the director of public works for an excavation permit hereunder.

(2) *Building official* is the building official of the City of Lakesite.

(3) *City* is the City of Lakesite, Tennessee.

(4) *City commission* or *commission* is the city commission of the City of Lakesite, Tennessee.

(5) *Director of public works* is the director of public works or the director of utilities and maintenance of the City of Lakesite.

(6) *Excavation work* is the excavation and other work permitted under an excavation permit and required to be performed under this chapter.

(7) *Permittee* is any person who has been granted and has in full force and effect an excavation permit issued hereunder.

(8) *Person* is any person, firm, partnership, association, corporation, company or organization of any kind.

(9) *Street* is any street, highway, sidewalk, alley, avenue, or other public way or public ground in the city.

(1972 Code, § 12-102, modified, as replaced by Ord. #254, July 2017)

16-203. Excavation permit.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefor from the building official or director of public works as herein provided.

(1972 Code, § 12-103, as replaced by Ord. #254, July 2017)

16-204. Application.

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the city. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and such other data as may reasonably be required by the building official or the director of public works in order to allow the building official or the director of public works, to evaluate the scope of the work. The application shall be accompanied by plans showing the extent of the proposed excavation work and such other information as may be prescribed by the city. The application form shall contain a contractual undertaking and guaranty on the part of the applicant and, the permittee, if the permittee be different from the applicant that the applicant and the permittee will comply with all the terms and provisions of this chapter and all other conditions imposed by the city with respect to the permit. The application shall further contain a contractual undertaking and guaranty on the part of the applicant and permittee, if the applicant and the permittee, if different from the applicant, does not comply with the terms, provisions and conditions set forth, the applicant and/or permittee shall be financially liable to the city for the cost of all repairs and/or corrections made by the city and/or by its subcontractors and for all damages incurred by the city occasioned by such failure to comply. Said application shall also provide that the applicant shall guarantee the integrity of the work performed for a period of two (2) years from the date upon which the refilled excavation is accepted by the building official or the director of public works.

(Ord. #54, May 1987, as replaced by Ord. #254, July 2017)

16-205. Excavation permit fees.

A permit fee of seventy-five dollars ($75.00) shall be charged by the city for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. If the city manager is satisfied that a public utility permittee has repaired the excavation in accordance with this chapter, the city manager may authorize the refund of all or a portion of the permit fee. If a public utility permittee has established a record of appropriate excavation repair in accordance with this chapter, the city manager may waive some or all future permit fees for said permittee.

(1972 Code, § 12-105, as replaced by Ord. #254, July 2017)

16-206. Excavation placard.

The building official or the director of public works shall provide each permittee at the time a permit is issued hereunder a suitable placard plainly written or printed in English letters at least one inch (1") high with the following notice: "City of Lakesite, Tennessee, Permit No. _____ Expires _____" and in the first blank space there shall be inserted the number of said permit and after the word "expires" shall be stated the date when said permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit, or to misrepresent the number of the permit or the date of expiration of the permit.

(1972 Code, § 12-106, as replaced by Ord. #254, July 2017)

16-207. Surety bond.

Before an excavation permit as herein provided is issued, the applicant shall deposit with the city clerk a surety bond payable to the city, or a cash bond, in an amount specified by the city not, however, to be less than five thousand dollars ($5,000.00) for any permit or other good and sufficient surety acceptable to the city manager such as a letter of credit from a local bank. The required surety bond must be:

(1) With good and sufficient surety.

(2) Satisfactory to the city attorney and to the city manager in form, substance, amount, and as to the identity and qualifications of the corporate surety.

(3) Conditioned upon the permittee's compliance with this chapter and any other terms or conditions required by the city in any particular permit, and to indemnify and hold the city and its officers harmless against any and all claims, judgments, costs, damages or expenses arising from the excavation and any failure to comply with the terms, conditions and provisions hereof and any other work covered by the excavation permit or for which the city, the city commission or any city officer or employee or agent may be made liable by reason of any action of injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee. The bond shall be further conditioned that the permittee shall comply with all the terms and provisions of this chapter and of the permit. Recovery on such bond for any injury or accident shall not exhaust the bond but shall, in its entirety, cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city's giving written notice to the permittee of such suit or claim, any final judgment against the city requiring it to pay for such damage shall be conclusive upon the permittee and his surety.

(4) Provided further that, in the case of a public or private utility company, regularly providing services in the city, the building official or the director of public works is authorized, but is not required, to accept the written continuing commitment of such utilities, containing the same assurances set forth in subsection (3), supra, instead of a surety bond. Contractors of such utilities shall not be eligible for relief under this subsection.

(1972 Code, § 12-107, as replaced by Ord. #254, July 2017)

16-208. Minimum standards and requirements for permits, cuts, bores, and backfills.

The following shall apply with respect to all excavation permits and work by permittees under this chapter:

(1) No permit shall issue unless and until the permittee shall post a corporate surety bond or a cash bond in the amount specified by the building official or the director of public works, but in any event not less than five thousand dollars ($5,000.00) for each cut, excavation and/or street bore.

(2) No excavation permit shall issue for a street cut or street bore without the express approval of the building official or the director of public works and the demonstration to the building official or the director of public works, of satisfactory procedures for protecting the street and other utilities.

(3) Each excavation permit issued shall require that no work proceed unless the an inspector designated by the city is on the site at the time of the cut, bore, back fill and work unless emergency conditions exist and the inspector is not available.

(4) Each excavation permit shall require that the work be completed within the time period provided thereon and, in any event, within sixty (60) days next following the date of its issuance unless express written provisions for a different time period are made on the excavation permit.

(5) Each permittee is responsible for scheduling all work with the city's inspector, at least twenty-four (24) hours prior to commencement of operations.

(6) The street and/or sidewalk surface shall be clean cut in a straight line prior to excavation. The cut portion of the surface of the street and/or sidewalk shall be cut back at least an additional twelve inches (12") on each side beyond the sides of the actual opening necessary to perform the work.

(7) All excavations in the roadway shall be filled with gravel of a type and specification as required by the city: Crushed rock conforming to section 903.05, Class A, Grade D of the Tennessee Department of Highways Standard Specifications for Road and Bridge Construction. Excavated materials shall not be allowed as backfill.

(8) On all streets where a permanent pavement has been built, a temporary surface of premixed bituminous materials shall be used until the permanent bituminous material has been applied.

(9) The backfill shall be placed in six inch (6") lifts and compacted by power tampers of a type approved by the building official or the director of public works with a minimum energy of two hundred fifty (250) ft./lb. per square foot of tampers.

(10) Backfilling a trench and compacting with a backhoe or truck is not acceptable and will not be allowed.

(11) Any settlement of the surface within a two (2) year period next following the completion of the work shall be deemed conclusive evidence of defective backfilling by the permittee.

(12) The person or contractor doing the actual excavation shall be required to meet all OSHA safety requirements including those regarding depth of trench and shoring.

(13) All open trenches shall be barricaded with adequate warning lanterns lighted by sunset. All open trenches within the roadway, or in a sidewalk, shall be filled at the end of each work day or the perimeter provide other safety precautions approved by public works director.

(14) All traffic control and obstructions must be coordinated with the building official or the director of public works or his designee and conducted in accordance with § 16-211, routing of traffic, and § 16-213, protection of traffic, hereinafter set forth.

(15) The permittee shall cooperate in the making of inspections of the performance of the work by the building official or the director of public works. The permittee shall notify the city so that the inspection can be made before any backfilling is done. The permittee shall also notify the city of the work in order that a final inspection can be made to determine whether or not the work has been done in a manner required by this chapter and as is acceptable to the city.

(16) Proper performance of the work shall include the repair or replacement of any public or privately owned property incidentally damaged in the course of the work.

(17) The building official or director of public works may require new utility installations in existing streets be installed through bored excavations instead of open cut trenches where multiple installations are planned or where new pavement has been placed.

(1972 Code, § 12-108, modified, as replaced by Ord. #254, July 2017)

16-209. Continuing bond.

Any permittee shall give a continuing bond under the preceding section which shall remain in force for such period as may be specified in the bond, or, in the event no period is specified, until it is terminated by notice to the city, The bond shall be applicable to all excavation work in the streets by the principal of such bond during the period of its effectiveness, and for a period of twenty-four (24) months thereafter.

(1972 Code, § 12-109, modified, as replaced by Ord. #254, July 2017)

16-210. Cash deposits.

The city may require, in addition to have surety bond, a cash deposit at the time the excavation permit is granted whenever the surety bond specified above and given by the permittee is not guaranteed by a surety company, and when the permittee is neither a public utility nor a governmental agency. The minimum cash deposit shall be two hundred fifty dollars ($250.00) and shall be deemed to cover an excavation of not more than forty (40) square feet of surface, and six feet (6') of depth. In the event the opening is in excess of this size, the city may require such additional cash deposit as in the discretion of the building official or the director of public works will be required to repair the opening. Such cash deposit shall serve as security for the repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation. Upon the permittee's completion of the work covered by such permit in conformity with the provisions of this chapter, as determined by the city, such cash deposit shall be refunded by the city to the permittee. In the even the permittee fails to perform such work, the city may use any or all of such deposit to pay the cost of any work the city may perform to restore or maintain the street as herein provided.

(1972 Code, § 12-110, modified, as replaced by Ord. #254, July 2017)

16-211. Routing of traffic.

The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times. The work shall be performed so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The building official or the director of public works may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. Where flagmen are deemed necessary by the building official or the director of public works they shall be furnished by the permittee at his own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible the building official or the director of public works will designate detours. The city shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee but in case there are no existing highways the permittee shall construct all detours at its expense and in conformity with the specifications of the building official or the director of public works. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

(as added by Ord. #254, July 2017)

16-212. Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen feet (15') of fire plugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

(as added by Ord. #254, July 2017)

16-213. Protection of traffic.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. All barricades and crossings shall be constructed subject to the approval of the city.

(as added by Ord. #254, July 2017)

16-214. Removal and protection of utilities.

The permittee shall not interfere with any existing utility without the written consent of the building official or the director of public works and the utility company or person owning the utility. If it becomes necessary to remove an existing utility this shall be done by its owner. No utility owned by the city shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timber or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

(as added by Ord. #254, July 2017)

16-215. Sidewalk excavations.

Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge, over said excavation on the line of the sidewalk, which shall be subject to the approval of the city.

(as added by Ord. #254, July 2017)

16-216. Protective measures.

The permittee shall erect such fence, railing or barrier about the site of the excavation work as shall prevent danger to persons using the city streets or sidewalks, and such protective barrier shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and from any excavated materials or structures or other obstructions to streets, suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for

anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

(as added by Ord. #254, July 2017)

16-217. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street and adjoining property.

(as added by Ord. #254, July 2017)

16-218. Damage to existing improvements.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the building official or the director of public works shall have the authority to cause said necessary labor and materials to be furnished by the city and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

(as added by Ord. #254, July 2017)

16-219. Property lines and easements.

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit and shall be the permittee's responsibility to confine excavation work within these limits.

(as added by Ord. #254, July 2017)

16-220. Clean-up.

As the excavation work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the building official or the director of public works. From time to time as may be ordered by the building official or the director of public works and in any vent immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work. Upon the failure of the permittee to clean up within twenty-four (24) hours after having been notified to do so by the building official or the director of public works, the work may be done by the building official or the director of public works. The cost thereof shall be charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided for herein.

(as added by Ord. #254, July 2017)

16-221. Protection of water courses.

The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the building official or the director of public works may direct. The permittee stall not unreasonably

obstruct the gutter of any street. He shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from a failure to so provide.

(as added by Ord. #254, July 2017)

16-222. Breaking through pavement.

Whenever it is necessary to break through existing pavement for excavation purposes, the pavement in the base shall be removed to at least six inches (6") beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and a six inch (6") shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. Asphalt concrete paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

(as added by Ord. #254, July 2017)

16-223. Plans and specifications for excavations.

No excavation shall be made in any street or sidewalk until the permit required by § 16-203 above shall have been issued. Any person, firm or corporation making such excavation without having obtained a permit shall be in violation of the code of the City of Lakesite and shall be punished as for a misdemeanor under the code of the City of Lakesite. Such excavation shall be made strictly in accordance with the plans and sight specifications as set out on the attached engineering drawing which is made a part hereby by adoption and a copy of which drawing and specifications is also on file at the city hall. Duration of excavation. No person shall permit an excavation to continue for more than twenty-four (24) hours after its initial opening unless specific written authorization is obtained from the building official or the director of public works or other official because of unusual circumstances. A violation of this section shall likewise be deemed a violation of the code of the city and punishable as a misdemeanor.

(as added by Ord. #254, July 2017)

16-224. Restoration of surface.

The permittee shall restore the surface of any street broken into or damaged, as a result of the excavation work, to its original condition in accordance with the specifications of the city. The permittee maybe required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well-tamped into place and this fill shall be topped with a minimum of at least one inch (1") of a bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch (1") above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the city. If in the judgment of the building official or the director of public works it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.

Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the city to restore the street to its original and proper condition, or as near as may be. Acceptance or approval of any excavation work by the building official or the director of public works shall not

prevent the city from asserting a claim against the permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within twenty-four (24) months from the completion of the excavation work. The building official or the director of public works presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

(as added by Ord. #254, July 2017)

16-225. City's right to restore surface.

If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the building official or the director of public works, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The city shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided and the city shall also enforce its rights under the permittee's surety bond provided pursuant to this chapter. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two (2) years after restoring it to its original condition.

(as added by Ord. #254, July 2017)

16-226. Trenches in pipe laying.

Except by special permission from the building official or the director of public works, no trench shall be excavated more than two hundred fifty feet (250') in advance of pipe laying nor left unfilled more than five hundred feet (500') where pipe has been laid. The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the building official or the director of public works. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

(as added by Ord. #254, July 2017)

16-227. Prompt completion of work.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefor, or any extension thereof.

(as added by Ord. #254, July 2017)

16-228. Emergency action.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to care or remedy the dangerous condition. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the building official or the director of public works

office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

(as added by Ord. #254, July 2017)

16-229. Noise, dust and debris.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 10:00 P.M. and 7:00 A.M. shall not use, except with the express written permission of the building official or the director of public works or in case of any emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

(as added by Ord. #254, July 2017)

16-230. Excavations barred in new street improvements.

Whenever the city commission authorizes the paving or repaving of any street, the building official or director of public works shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or on any real property whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the date of enactment of such ordinance or resolution. Such notice shall also notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than forty-five (45) days from the date of enactment of such ordinance or resolution. The building official or the director of public works shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and city departments or other persons that may desire to perform excavation work in said city street. Within said forty-five (45) days every public utility company receiving notice as prescribed herein shall perform such excavation work subject to the provisions of this chapter, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said forty-five (45) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five (5) years from the date of enactment of the ordinance or resolution. During said five (5) year period no excavation permit shall be issued to open, cut or excavate in said street unless in the judgment of the building official or the director of public works, an emergency as described in this chapter exists which makes it absolutely essential that the excavation permit be issued. Every city department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said forty-five (45) day period so as to avoid the necessity for making any openings, cuts or excavation in the new pavement in said city street during said five (5) year period.

(as added by Ord. #254, July 2017)

16-231. Preservation of monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the building official or the director of public works.

(as added by Ord. #254, July 2017)

16-232. Inspections.

The city shall make such inspections as reasonably necessary in the enforcement of this chapter. The building official or the director of public works shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. Copies of all such rules and regulations shall be forwarded to all utilities with the effective date.

(as added by Ord. #254, July 2017)

16-233. Maintain drawings.

Users of sub-surface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps, satisfactory to the building official or the director of public works, shall be filed with the city within six (6) months after new installations, changes or replacements are made.

(as added by Ord. #254, July 2017)

16-234. Chapter not applicable to city work.

The provisions of this chapter shall not be applicable to any excavation work under the direction of competent city authorities by employees of the city or by any contractor of the city, performing work for and in behalf of the city necessitating openings or excavations in streets.

(as added by Ord. #254, July 2017)

16-235. Public service companies.

No person or entity operating a public utility in the City of Lakesite shall have the right nor shall be allowed or permitted to enter upon, excavate or disturb the sidewalks, pavements or rights-of-way at the City of Lakesite except upon the discretionary granting of a permit by the City of Lakesite in accordance with all the provisions, requirements and standards of this chapter.

Provided, however, that public utilities are authorized and empowered to make emergency repairs to existing facilities on condition that immediately contemporaneous notice thereof be given and provided to the city's public works director and, in the event of such occurrence, such public utility shall make contemporaneous and, if such emergency occurs during other than normal business hours, immediate ex post facto application for a permit during normal business hours at city hall during the immediately following next day and shall then observe all requirements of the permitting process except those which require application for a permit prior to such excavation.

(as added by Ord. #254, July 2017)

16-236. Insurance.

A permittee, prior to the commencement of excavation work hereunder, shall furnish the building official or the director of public works satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than one hundred thousand dollars ($100,000.00) for any one (1) person and three hundred thousand dollars ($300,000.00) for any one (1) accident and property damage insurance of not less than fifty thousand dollars ($50,000.00) duly issued by an insurance company authorized to do business in this state.

(as added by Ord. #254, July 2017)

16-237. Liability of city.

This chapter shall not be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work.

(as added by Ord. #254, July 2017)

16-238. Penalty.

Any person, firm, corporation, entity and/or utility violating any of the provisions of this chapter shall be liable to a fine in the amount of not to exceed fifty dollars ($50.00) per day, with each day that said condition or occurrence remains uncomplied with and/or unremedied constituting a separate offense.

(as added by Ord. #254, July 2017)

CHAPTER 3. ROADWAY STANDARD REQUIREMENTS

16-301. Short title.

This chapter shall be known and may be cited as the "Roadway Standard Requirements."

(as added by Ord. #258, Feb. 2018)

16-302. Installation of utilities.

After grading is completed, inspected, and approved, and before any base is applied, all underground utilities and service connections shall be installed completely and approved throughout the subdivision. Roads shall be proof rolled after utilities are completed.

(as added by Ord. #258, Feb. 2018)

16-303. Subbase compaction.

Compaction tests by a certified laboratory shall be completed for all roads. A minimum of one (1) density test for each five hundred (500) cubic yards of material placed per layer shall be required or at least one test per layer for every two hundred (200) linear feet. The engineer may specify other frequencies as appropriate to the job required. A copy of all test results shall be provided to the city engineer or his/her designee and approved before additional work is continued. The city engineer will contract with the testing company and will invoice the subdivider at actual cost of the testing. The final plat will not be signed, and bond will not be released, unless all invoices are paid in full.

(as added by Ord. #258, Feb. 2018)

16-304. Pavement standard required for each road type.

The pavement required for various road types is stated below. All road plans shall be submitted for review by the city engineer prior to any construction.

Roadways shall be constructed according to the specifications given in the following sections. All grading, utility installation and placement of base and asphaltic materials shall be done by a contractor licensed in the State

of Tennessee and insured as per state regulations. All asphalt plants shall be State approved. All equipment and materials to be used on project must meet the specifications as specified in the latest edition of the Tennessee Department of Transportation's Standard Specifications for Road and Bridge Construction.

Hot-mix pavement (Class "A" Road). Hot-mix roads (also known as "asphaltic concrete") shall be constructed to the following specifications:

(1) *Residential.*

(a) Base: Mineral aggregate type "A," grading "D" crushed stone base material shall be uniformly placed to a uniform compacted depth on the properly prepared road bed and roadway shoulders of not less than six inches (6"). Developer/contractor shall furnish the source and standard proctor for the material used. All base material shall meet minimum compaction rate of ninety-five percent (95%) standard proctor, top one foot (1') at ninety-eight percent (98%), placed with moisture content of plus or minus two percent (2%) of optimum as determined by a certified testing laboratory. All testing must show passing results before the binder course is placed.

(b) Binder course: Following proper placement of the crushed stone base material, bituminous material for prime coat shall be applied to the entire roadbed at a uniform rate of between 0.30 and 0.35 gallons per square yard horizontal measure. Bituminous plant mix base (hot-mix binder) grading "B" mixture (TDOT spec 903.06) shall then be uniformly placed and compacted across the entire roadbed to a depth of not less than two and one-half inches (2½") and a minimum density of two hundred and twenty (220) pounds per square yard.

Developer/contractor shall furnish a copy of the mix design to be used prior to placement of the binder course. All testing must be completed by an independent, certified testing firm with passing results before the surface course is placed.

(c) Surface: Asphaltic concrete surface course (hot-mix surfacing, grade E, mixture (TDOT spec 903.11) shall then be uniformly placed and compacted across the entire roadbed to a depth not less than one inch (1") with a minimum density of one hundred ten (110) pounds per square yard. Developer/contractor shall furnish a copy of the mix design to be used prior to placement of the surface course.

(d) Core drillings shall be made for hot-mix roads by the testing firm after hot-mix application. Where the sample does not meet minimum standards, the developer shall also pay for all additional compaction tests or other lab tests to determine the pavement's character and strength. The average of all cores must have a compaction of at least ninety-two percent (92%) with no core below ninety percent (90%) compaction. The thickness of the layers of the core will also be verified. Test results shall be certified to meet or exceed minimum standards.

(2) *Commercial.* Commercial grade streets shall be constructed per requirements above with the following exceptions:

(a) Base: Eight inches (8") compacted mineral aggregate type "A," grading "D" crushed stone base.

(b) Binder: Three inches (3") compacted, hot-mix binder, grading "B" with a minimum density of two hundred seventy-five (275) pounds per square yard.

(c) Surface: One and one-half inches (1½") compacted hot-mix asphaltic concrete, type E, with a minimum density of one hundred sixty-five (165) pounds per square yard.

(as added by Ord. #258, Feb. 2018)

Title 17 REFUSE AND TRASH DISPOSAL[1]

CHAPTER 1. REFUSE

17-101. Refuse defined.

Refuse shall mean and include garbage, and refuse as generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, leaves, brush, tree trimmings and other scrap wood, and similar materials are expressly excluded therefrom and shall not be stored therewith.

(1972 Code, § 8-101)

17-102. Premises to be kept clean.

All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter.

(1972 Code, § 8-102)

[1]Cross reference(s)—Property maintenance regulations: title 13.

17-103. Storage.

Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids.

(1972 Code, § 8-103, modified)

17-104. Location of containers.

Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

(1972 Code, § 8-104)

17-105. Disturbing containers.

No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

(1972 Code, § 8-105)

17-106. Collection.

All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule.

(1972 Code, § 8-106)

17-107. Collection vehicles.

The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys.

(1972 Code, § 8-107)

17-108. Disposal.

The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited.

(1972 Code, § 8-108)

CHAPTER 2. HAZARDOUS WASTE REGULATIONS

17-201. Intent.

It is the purpose of this chapter to establish reasonable regulation of all commercial hazardous waste management facilities and commercial medical waste facilities relative to appropriateness of location and method of operation in order to minimize the impact on the community adjacent to and surrounding such uses and to assure and maintain the public safety and general welfare.

This basic purpose can and should be achieved without precluding or discouraging the following objectives:

(1) Encourage innovation and the use of new technologies for waste minimization, storage and disposal;

(2) Increase collaborative activities among area industries which have common environmental concerns; and

(3) Facilitate access to international markets for products and technologies related to the environment while at the same time giving due concern for the environment, health and safety of the citizens of Hamilton County and all municipalities contained therein.

It is the further intent of the county to encourage the recycling, reclamation, and reuse of materials so as to remove such materials from the solid and hazardous waste stream. To this end, the county encourages the state and federal governments to revise their rules and regulations to encourage such recycling, reclamation and reuse, after which the county shall consider similar revisions.

17-202. Definitions.

(1) *Commercial hazardous waste management facility.* Any hazardous waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction that stores, treats (including incineration), or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

(2) *Generate.* The act or process of producing hazardous wastes or medical wastes.

(3) *Off-site.* Any property that is not classified as on-site by these regulations.

(4) *On-site.* On the site of generation. "On-site" further means the same or geographically contiguous property which may be divided by public or private right(s)-of-way. Noncontiguous property owned by the hazardous waste generator that is connected by a right-of-way which such hazardous waste generator controls and to which the public does not have access is also considered on-site property.

(5) *Hazardous waste.* A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may:

(a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stared, transported, or disposed of, or otherwise managed.

(6) *Commercial medical waste management facility.* Any medical waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction used for treatment (including incineration), storage or disposal of any medical waste generated off-site, except that a facility that receives medical waste that is generated only at a site or sites owned or operated by the same corporation, or

subsidiaries of such corporation, or sites under contract to such corporation for medical wastes generated by the corporation shall not be deemed to be a commercial medical waste management facility provided that the volume of medical waste received from such sites and placed in storage for more than one calendar month does not exceed twenty-five percent (25%) of the storage capacity at the designated accumulation area of the facility, referred to at the definition of "storage" in Title 40 CFR 259.10(a), revised as of July 1, 1991, regarding standards for the Tracking and Management of Medical Waste, and identified as required in § 17-203, and provided that during no calendar month may more than twenty-five percent (25%) of the total medical waste treated or disposed at the facility be from such sites, and the facility shall maintain records available for public inspection for two (2) years to demonstrate compliance.

(7) *Medical waste.* Solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. All of the following types of wastes shall be considered to be medical wastes for the purposes of these regulations:

(a) Biological wastes and discarded materials contaminated with blood, excretion, exudates, or secretions from patients who are isolated to protect others from certain highly communicable diseases, isolated animals known to be infected with highly communicable diseases; and

(b) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; and

(c) Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers; and

(d) Liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and intravenous bags; and

(e) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips; and

(f) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals; and

(g) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

(8) *Storage.* Holding hazardous waste or medical waste for a period of more than ninety (90) days, at the end of which the hazardous waste or medical waste is treated, disposed of, or stored elsewhere. A commercial hazardous waste management facility or a commercial medical waste management facility shall not be subject to the ninety days restriction for the purposes of this definition and these regulations if it either:

(a) Generates more than one hundred (100) kilograms and less than one thousand (1,000) kilograms of hazardous waste or medical waste in a calendar month; and the quantity of waste accumulated on-site never exceeds six thousand (6,000) kilograms; and the facility has complied with all other applicable provisions of 40 CFR 262.34(d), in which case accumulation on-site would constitute "storage" after

one hundred eighty (180) days. In addition, if such a facility must transport its hazardous waste or medical waste or offer them for transportation over a distance of two hundred (200) miles or more for off-site treatment, storage or disposal then accumulation on-site would constitute "storage" after two hundred seventy (270) days; or

(b) Generates less than one hundred (100) kilograms of hazardous waste or medical waste in a calendar month; and generates one (1) kilogram or less of acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and generates one hundred (100) kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and the quantity of hazardous or medical waste accumulated on-site never exceeds one thousand (1,000) kilograms; and the facility has complied with all other applicable provisions of 40 CFR 261.5, in which case accumulation on-site could continue indefinitely at a facility that is not otherwise a "commercial hazardous waste facility" or a "commercial medical waste facility" for the purposes of these regulations.

(9) *Construction.* In general, initiation of physical on-site construction, activities on a management unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities, other than preparation activities, which mark the initiation of the change.

(10) *100-year floodplain.* Any land area which is subject to a one percent or greater chance of flooding in any given year from any source as defined in 44 Code of Federal Regulations Part 67, Final Flood Elevation Determinations and as effective on the date of issuance of the Flood Insurance Rate Map showing the 100-year flood elevations for the community.

(11) *500-year floodplain.* Any land area which is subject to a two tenths (2/10) chance in one hundred (100) (one chance in five hundred) of being flooded in any one-year period as shown on the flood insurance rate map or the flood hazard boundary map.

(12) *Flood hazard boundary map.* An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Boundary and Floodway Maps Numbers 470072 0001, 0002, 0016, 0017, 0018, 0019, 0022, 0023, 0024, 0025, 0029, 0030 and Map Index Numbers 470072 0001-0030 dated September 6, 1989. One copy of each map shall be filed in the office of the county clerk and one copy of each map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

(13) *Flood insurance rate map.* An official map of a community, on which the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Insurance Rate Maps Numbers 470072 00026B, and 0027B dated October 16, 1992; and Numbers 470072 0001D, 0002D, 0016D, 0017D, 0018D, 0019D, 0022D, 0023D, 0024D, 0025D, 0029D, 0030D dated September 6, 1989; and Numbers 470072 0004A, 0005A, 0007A, 0008A, 0009A, 0010A, 0012A, 0014A, 0020A, dated September 3, 1980; Numbers 470072 0006B, 0011B, C015B, 0021B dated October 22, 1982; and Number 470072 0028C dated November 1, 1985; and numbers 470071 0025D, 0043D, 0044D, 0127D, 0130D, 0135D, 0150D, 0155D, 0160D, 0175D, 0200D, 0210D, 0230D, 0235D, 0240D and 0255D dated September 6, 1989; Numbers 470076 0001B and 0002B dated September 5, 1990; and Numbers 475422 0001B, 0002B, 0003B and 0004B dated March 19, 1990; and Numbers 475445 0005B and 0010B dated June 1, 1983; and Number 475424 0010D dated August 1, 1983. One copy of each map shall be filed in the office of the county clerk and one copy of each map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

(14) *Bedrock.* The solid rock underlying unconsolidated surface material such as soil.

(15) *Fault.* A fracture along which strata on one side have been displaced with respect to that on the other, as shown on the East Central Sheet, Geologic Map of Tennessee, 1966, William D. Hardeman, State Geologist, compiled and edited by George D. Swingle, Robert A. Miller, Edward T. Luther, William D. Hardeman, Donald S. Fullerton, C. Ronald Sykes, and R. Keith Garman. One copy of this map shall be filed in the office of the county clerk and one copy of this map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

(16) *Thrust fault.* A reverse fault in which the dip of the fault plane is at a low angle to horizontal and in which the hanging wall block (or upper plate) may have overridden the footwall block (or lower plate).

(17) *Hanging wall block.* The overlying surface of an inclined fault plane.

(18) *Footwall block.* The underlying surface of an inclined fault plane.

(19) *Sinkhole.* A hollow in a limestone region in which drainage collects that communicates with a cavern or passage.

(20) *Private water supply.* All water supplies that are not public water supplies and which are primary drinking water sources.

(21) *Public water supply.* A system that supplies to the public piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.

(22) *Scenic, cultural or recreational area.* Parks, forests, recreational areas, natural areas, museums, and wildlife management areas owned and/or operated by the federal, state, and or local government (or agencies created by such government); sites included an the National Register of Historic Places established by the United States Department of Interior or forwarded for consideration for National Register listing to the United States Department of Interior by the Tennessee State Historical Commission State Review Board.

(23) *Unit.* A contiguous area of land on or in which hazardous or medical waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

(24) *Land-based unit.* A unit subject to regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste including surface impoundments, landfills, waste piles, land treatment units, and hazardous waste management units. Units exempt from groundwater monitoring correction requirements under regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste and covered indoor waste piles in compliance with regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste are considered non-land-based units.

(25) *Non-land-based unit.* An incinerator, tank and its associated piping and underlying containment system, or container storage area, hazardous waste management units and other similar units that are not subject to regulations for land-based units promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste.

(26) *Unstable area.* A location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of a commercial hazardous waste or medical waste treatment or storage facility's structural components responsible for preventing releases, including:

(a) Subsidence prone areas (i.e., areas subject to the lowering or collapse of the land surface either locally or over broad regional areas);

(b) Areas susceptible to mass movement (i.e., where the downslope movement of soil and rock under gravitational influence occurs);

(c) Areas with weak and unstable soils (e.g., soils that lose their ability to support foundations as a result of expansion or shrinkage).

(27) *Wetlands.* Lands which have hydric soils and a dominance (fifty percent [50%] or more of stem count based on communities) of obligate hydrophytes. They include the following generic types:

(a) Fresh water meadows;

(b) Shallow fresh water marshes;

(c) Shrub swamps with semipermanent water regimes most of the year;

(d) Wooded swamps or forested wetlands;

(e) Open fresh water except farm ponds; and

(f) Bogs.

17-203. Identification of storage areas.

A new or rebuilt facility, or an expanded portion of an existing facility, or any facility which changes its operations, proposed for use as a "commercial medical waste management facility," as defined in these regulations notwithstanding the exclusions within the definition, shall be required, in both its building permit application prior to construction or reconstruction and in any required installation permit at the Chattanooga-Hamilton County Air Pollution Control Bureau, to identify in writing on its building and operating plans any and all portions of the proposed facility or portion of an existing facility through a change in operations or expanded portion of an existing facility proposed for "storage," as defined in these regulations notwithstanding the exclusions within the definition. Such identification of storage areas shall include the total cubic footage designated for accumulation of medical wastes at the "commercial medical waste management facility," as defined in these regulations notwithstanding the exclusions within the definition.

17-204. Prohibited uses.

No commercial hazardous waste management facility or commercial medical waste management facility unit shall be allowed to be constructed within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. This restriction shall also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, so that such facility may not operate a commercial hazardous waste management facility or a commercial medical waste management facility within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. Any construction, alteration, repair, reconstruction, or improvement to a commercial hazardous waste management facility or commercial medical waste management facility on which the start of construction was begun after the effective date of these regulations shall meet all applicable requirements for new construction as contained in these regulations, except as provided in the next sentence.

Any commercial hazardous waste management facility unit or commercial medical waste management facility unit in existence prior to the effective date of this requirement that is hereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value may be reconstructed and used as before only if it is rebuilt in a manner that complies with all requirements in effect on the date the rebuilding commences and operates in that rebuilt portion of the unit in a manner that complies with all requirements in effect on the date

that operation commences in the rebuilt commercial hazardous waste management facility unit or commercial medical waste management facility unit. In addition, the following requirements must be met:

(1) The reconstruction must not exceed the volume and external dimensions of the original structure or offer any greater obstruction to the flow of flood waters within the 500-year floodplain than did the original structure; and

(2) The lowest floor elevation (including basement) must be above the level of the 500-year floodplain or the structure must be floodproofed to a height above the level of the 500-year floodplain. Floodproofing measures shall be in accordance with the watertight performance standards of the publication Flood-Proofed Regulations prepared by the office of the Chief of U.S. Army Corps of Engineers, Washington, D.C. dated March 31, 1992. One copy of this document shall be filed in the office of the county clerk and one copy shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination; and

(3) The reconstruction must commence within twelve (12) months after the damage first occurs, and the reconstruction must be completed within twenty-four (24) months after the damage first occurs. In the event of fire, flood, labor dispute, epidemic, abnormal weather conditions or acts of God, the reconstruction commencement time period and/or the reconstruction completion period will be extended in an amount equal to time lost due to delays beyond the control of the owner or operator of the facility subject to this requirement.

These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit in existence prior to the effective date of these regulations that proposes to expand after the effective date of these regulations to the expanded portion of the facility. These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit which is built subsequent to the adoption of these regulations and thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

These requirements also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, which is thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

17-205. Proximity of commercial hazardous waste or commercial medical waste management facilities to other uses.

All distances are to be measured from the "unit" as defined in this chapter to the nearest point of the property boundary line of the other land use.

(1) *Groundwater and public drinking water supplies.*

(a) No commercial hazardous waste or commercial medical waste management facility unit shall be located within two thousand (2,000) feet horizontally of a public drinking water supply well or public water supply intake point in a river, spring, lake, pond or reservoir, or within one thousand (1,000) feet horizontally of a private drinking water supply well or private water supply intake point in a river, spring, lake, pond or reservoir.

(b) A commercial hazardous waste or commercial medical waste management facility unit shall not be constructed on a wetland or a sinkhole, nor drain into a sinkhole or into a wetland, and shall comply with all requirements necessary to obtain a National Pollution Discharge Elimination System (NPDES) permit.

(c) No commercial hazardous waste or commercial medical waste management facility unit shall be located within an area where the depth to the seasonally high water table in the uppermost saturated zone will rise to within five (5) feet of the ground surface.

(d) No commercial hazardous waste or commercial medical waste management facility unit at which hazardous or medical wastes are stored or treated below ground (e.g. underground tank, surface impoundment) shall be located or constructed in such a manner that the bottom of the liner system or secondary containment system is closer than ten (10) feet from the uppermost saturation area.

(e) Vertical buffer zones.

(i) Commercial hazardous waste or commercial medical waste management facility land-based units shall be located and constructed such that there is, between the bottom of the unit's liner system and the seasonably high groundwater elevation in the uppermost saturated zone underlying the unit a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:

(A) Ten (10) feet thick, with a saturated hydraulic conductivity of 1 x 10-5 centimeters/second; or

(B) Five (5) feet thick, with a saturated hydraulic conductivity of 1 x 10-6 centimeters/second.

(ii) Commercial hazardous waste or commercial medical waste management facility non-land-based units shall be located and constructed such that there is, between the bottom of the unit's secondary containment system and the seasonably high water elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:

(A) Four (4) feet thick, with a saturated hydraulic conductivity of 1 x 10-5 centimeters/second; or

(B) Two (2) feet thick, with a saturated hydraulic conductivity of 1 x 10-6 centimeters/second; or

(C) A buffer layer of other material, mechanically separate from the secondary containment system which will provide protection to fluid movement equivalent or superior to § 17-205(1)(e)(ii)(A) or (B).

(iii) Hydraulic conductivity measurements are to be measured by the ASTM D5084 soil permeability test.

(iv) No commercial hazardous waste or commercial medical waste management facility unit or on-site access road to it shall be located within an area on the hanging wall block of a thrust fault line such that a vertical line as determined by a plumb line drilled by core drill to a depth of two hundred (200) feet will intersect a fault plane.

(2) *County septic tank pumper permanent dumping sites.* No commercial hazardous waste or commercial medical waste management facility unit shall be located within one thousand (1,000) feet of any septic tank pumper permanent dumping site authorized by the Chattanooga-Hamilton County Health Department Rules and Regulations governing subsurface sewage disposal, including open-air disposal of septic tank effluent through land absorption.

(3) *Scenic, cultural and recreational areas.* No commercial hazardous waste or commercial medical waste management facility unit shall be located within, or within five hundred (500) feet of, a scenic, cultural or recreational area in existence on the date a completed building permit application is submitted.

(4) *Structures.* To minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding areas, the following minimum separation distances shall be required of any commercial hazardous waste or commercial medical waste management facility unit:

(a) It shall not be located within two thousand (2,000) feet of existing schools, hospitals, or day care centers, residences or residential zones.

(b) It shall not be located within two hundred (200) feet of any commercial buildings, other than those which are part of the facility.

(c) It shall not be located within one thousand (1,000) feet of existing churches and non-commercial buildings, other than those which are part of the facility.

(d) A commercial hazardous waste management facility or commercial medical waste management facility unit shall not be located within two hundred (200) feet of the facility's property boundaries.

(e) Except for the purposes of § 17-205(4)(d), distance measurements shall be from the nearest point in a property line of a parcel containing the non-hazardous or non-medical waste management facility use to the nearest point of the "unit" as defined in this chapter.

(5) *Unstable areas.* No commercial hazardous or medical waste management facility unit shall be located or constructed in an unstable area.

17-206. Exceptions.

(1) The following solid wastes are not hazardous wastes:

(a) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous regulation under this definition, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(b) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

(i) The growing and harvesting of agricultural crops.

(ii) The raising of animals, including animal manures.

(c) Mining overburden returned to the mine site.

(d) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste.

(e) Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.

(f) Wastes which fail the test for the toxicity characteristic because chromium is present or are listed in Title 40 Code of Federal Regulations Part 261, Subpart D due to the presence of chromium which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

(i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(iii) The waste is typically and frequently managed in non-oxidizing environments.

(g) Specific wastes which meet the standard in § 17-206(1)(f)(i), (ii), and (iii) (so long as they do not fail the test for toxicity characteristic, and do not fail the test for any other characteristic) are:

(i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.

(iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

(vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(viii) Wastewater treatment sludges from the production of Tio2 pigment using chromium-bearing ores by the chloride process.

(h) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste. For purposes of 40 CFR

261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving) and/or chlorination/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ton exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of 40 CF7R 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

(i) Slag from primary copper processing;

(ii) Slag from primary lead processing;

(iii) Red and brown muds from bauxite refining;

(iv) Phosphogypsum from phosphoric acid production;

(v) Slag from elemental phosphorus production;

(vi) Gasifier ash from coal gasification;

(vii) Process wastewater from coal gasification;

(viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

(ix) Slag tailings from primary copper processing;

(x) Fluorogypsym from hydrofluoric acid production;

(xi) Process wastewater from hydrofluoric acid production;

(xii) Air pollution control dust/sludge from iron blast furnaces;

(xiii) Iron blast furnace slag;

(xiv) Treated residue from roasting/leaching of chrome ore;

(xv) Process wastewater from primary magnesium processing by anhydrous process;

(xvi) Process wastewater from phosphoric acid production;

(xvii) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;

(xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;

(xix) Chloride process waste solids from titanium tetrachloride production;

(xx) Slag from primary zinc processing.

(i) Cement kiln dust waste, except as provided by 40 CFR 266.112 for facilities that burn or process hazardous waste.

(j) Solid waste which consists of discarded wood or wood products which fails the test for the toxicity characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

(k) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 through D042 only) and are subject to the corrective action regulations under 40 CFR 280.

(l) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (Hazardous Wastes Codes D018 through D043 only) in 40 CFR 261.24 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until January 1, 1993. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

(i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

(ii) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(m) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(n) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery.

(o) Any waste from any facility sited within Hamilton County, which waste is excluded from Title 40 Code of Federal Regulations Part 261.3 or the lists of hazardous wastes in Title 40 Code of Federal Regulations Part 261, Subpart D, by the United States Environmental Protection Agency pursuant to Title 40 Code of Federal Regulations Part 260.20 or Part 260.22 and published in either the Federal Register or in Title 40 Code of Federal Regulations Part 261, Appendix IX, or in both.

(2) For purposes of this definition and these regulations, "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 33 U.S.C. 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)[42 U.S.C.A. Section 2011 et seq.].

(3) The following materials are not solid wastes for the purpose of this definition:

(a) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(b) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(c) Irrigation return flows.

(d) Source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.

(e) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(f) Pulping liquors (i.e. black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).

(g) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).

(h) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(j) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.

(k) Materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous waste unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(4) A facility that reclaims materials that are used beneficially as provided in § 17-206(3)(k) from solid waste it created is not a commercial hazardous waste management facility for the purpose of this regulation, unless that facility also stores or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

17-207. Zoning requirements.

Commercial hazardous management facilities and commercial medical waste management facilities shall be permitted only in the M-1 Industrial District subject to the requirements of the M-1 District and the provisions of Article XII of the Lakesite Zoning Ordinance.

17-208. Building permit application requirements.

Application for a building permit shall be accompanied by a site plan indicating method and hours of operation, building and structure location and function, extent and nature of all screening and buffer areas, type and volume of waste materials, proximity to waterways and drainage characteristics, location and type of surrounding land use. Additional information, if required, shall be submitted upon request by the chief building official.

Title 18 WATER AND SEWERS[1]

CHAPTER 1. WATER AND SEWERS

18-101. To be furnished under franchise.

Water service shall be furnished for the municipality and its inhabitants by the Hixson Utility District. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

[1]Cross reference(s)—
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

CHAPTER 2. SEWER USE AND WASTEWATER TREATMENT

18-201. To be furnished under franchise.

Wastewater treatment and sewer services shall be furnished for the municipality and its inhabitants by the Hamilton County Water and Wastewater Treatment Authority. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

(as amended by Ord. #134, Oct. 2002)

CHAPTER 3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.[2]

18-301. To be furnished under franchise.

Cross connections and auxiliary intakes shall be furnished for the municipality and its inhabitants by the Hixson Utility District. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

[2]Cross reference(s)—

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

CHAPTER 4. STORM WATER

18-401. Storm water ordinance.

(1) *General provisions.*

(a) *Program area.* This ordinance is applicable and uniformly enforceable within the Tennessee municipalities of Collegedale, East Ridge, Lakesite, Lookout Mountain, Red Bank, Ridgeside, Soddy-Daisy, designated unincorporated areas within Hamilton County, and other eligible communities which may join the Hamilton County Storm Water Control Program (hereinafter called the program) and enact this ordinance from time to time. All such participating communities are hereinafter collectively identified as "the parties."

(b) *Authorization.* The program is authorized under an interlocal agreement dated April 16, 2004, adopted by all of the parties pursuant to Tennessee Code Annotated, (TCA) § 5-1-113 and 12-9-101. Said interlocal agreement specifies that the program shall be enforced by Hamilton County under applicable county rules pursuant to TCA § 5-1-121 and 123. Applicable terms and provisions of said interlocal agreement and the standard operating procedures for the Hamilton County Storm Water Pollution Control Program, adopted by the parties subsequent to the interlocal agreement, are hereby incorporated into and made a part of this ordinance by reference and shall be as binding as if reprinted in full herein.

(c) *Purpose.* It is the purpose of this ordinance to:

(i) Protect, maintain, and enhance the environment of the program service area and the health, safety, and the general welfare of the citizens by controlling discharges of pollutants to the program's storm water system.

(ii) Maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and ground water.

(iii) Enable the parties to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations (40 CFR § 122.26) for storm water discharges. Compliance shall include the following six (6) minimum storm water pollution controls as defined by US EPA:

(A) Public education and outreach.

(B) Public participation.

(C) Illicit discharge detection and elimination.

(D) Construction site runoff control for new development and redevelopment.

(E) Post-construction runoff control for new development and redevelopment.

(F) Pollution prevention/good housekeeping for municipal operations.

(iv) Allow the parties to exercise the powers granted in TCA § 68-221-1105, to:

(A) Exercise general regulation over the planning, location, construction, and operation, and maintenance of storm water facilities in the municipalities, whether or not the facilities are owned and operated by the municipalities,

(B) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits.

(C) Establish standards to regulate storm water contaminants as may be necessary to protect water quality.

(D) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments.

(E) Issue permits for storm water discharges or for the construction, alteration, extension, or repair of storm water facilities.

(F) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.

(G) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated. This regulation and prohibition shall be enforceable on facilities and operations which are in existence at the time of the initial adoption of this ordinance or which may come into existence after the adoption of this ordinance.

(d) *Goals of the program.* The primary goals of the program are to:

(i) Raise public awareness of storm water issues.

(ii) Generate public support for the program.

(iii) Teach good storm water practices to the public.

(iv) Involve the public to provide and extension of the program's enforcement staff.

(v) Support public storm water pollution control initiatives.

(vi) Increase public use of good storm water practices.

(vii) Detect and eliminate illicit discharges into the program service area.

(viii) Reduce pollutants from construction sites.

(ix) Treat the "first flush" pollutant load to remove not less than seventy-five percent (75%) total suspended solids (TSS).

(x) Remove oil and grit from industrial/commercial site runoff.

(xi) Protect downstream channels from erosion.

(xii) Encourage the design of developments that reduce runoff.

(xiii) Reduce or eliminate pollutants from municipal operations.

(xiv) Provide a model for good storm water practices to the public through municipal operations impacting storm water (i.e., municipalities should "lead by example").

(e) *Administering entity.* The program staff shall administer the provisions of this ordinance under the direction of the management committee, composed of representatives of the parties. The operating mechanism for the program is defined by an interlocal agreement among the parties and the standards operating procedures adopted by same. The management committee is authorized to enforce this ordinance and to use its judgement in interpreting the various provisions of this ordinance, the interlocal agreement, and the standard operating procedures to ensure that the program's goals are accomplished. If any management committee member is concerned about the appropriateness of any action of the committee, he should report his concerns to the county attorney, who shall review the situation and issue an opinion within ninety (90) calendar days. Should the county attorney find that the committee has, in his judgement, acted inappropriately, but a majority of the committee, after due

deliberation, disagree with said finding, the committee shall bring the matter before the county commission for consideration. The determination of the county commission with regard to the issue shall be final.

(2) *Definitions.*

(a) *Program-specific terminology.* As used herein certain words and abbreviations have specific meanings related to the program. The definition of some, but not necessarily all, such program-specific terms are, for the purposes of this ordinance, to be interpreted as described hereinbelow:

(i) *Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of storm water runoff. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(ii) *BMP manual* is a book of reference which includes additional policies, criteria, and information for the proper implementation of the requirements of the program.

(iii) *First flush* is defined as the initial storm water runoff from a contributing drainage area which carries the majority of the contributed pollutants.

(iv) *Hot spot* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas, and restaurants.

(v) *Land disturbance activity* means any land change which may result in increased soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, except that the term shall not include agricultural activities, exempted under the Clean Water Act, and certain other activities as identified in the program's BMP Manual.

(vi) *Maintenance agreement* means a legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of storm water management practices.

(vii) *Management committee* is a group of people composed of one representative of the county and one representative of each of the cities participating in the program.

(viii) *Municipality* as used herein refers to Hamilton County, Tennessee, a county and political subdivision of the State of Tennessee; the Cities of Collegedale, East Ridge, Lakesite, Red Bank, Ridgeside, and Soddy-Daisy, Tennessee, and the Town of Lookout Mountain, Tennessee, all of which are chartered municipalities of the State of Tennessee; and/or any other participating governmental entity which may join the program in the future.

(ix) *Organization* means a corporation, government, government subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(x) *Person* means an individual or organization.

(xi) *Program* refers to a comprehensive program to manage the quality of storm water discharged in or from the program area's municipal separate storm sewer system (MS4).

(xii) *Program cost* refers to any monetary cost incurred by the program in order to fulfill the responsibilities and duties assigned to the program under this ordinance. Program costs

specifically include costs incurred by any participating municipality for actions performed on behalf of or at the request of the program.

(xiii) *Program service area* shall consist of the entire physical area within the corporate limits of each participating city together with the urbanized unincorporated area of the county.

(xiv) *Program manager.* See "storm water manager."

(xv) *Program staff* is a group of people hired to assist the program manager in carrying out the duties of the program.

(xvi) *Responsible party* means owners and/or occupants of property within the program area who are subject to penalty in case of default.

(xvii) *Runoff.* See "storm water runoff."

(xviii) *Runoff quality objectives" refer to the "performance criteria for runoff management" adopted by the management committee in conformance with applicable provisions of paragraph (5)(e) hereinafter in accordance with the "goals of the program" as outlined under paragraph (1)(d) hereinbefore.*

(xix) *Redevelopment* means any construction, alteration, or improvement exceeding one (1) acre in areas where existing land use is high density commercial, industrial, institutional, or multi-family residential.

(xx) *Storm water* means storm water runoff, snow melt runoff, surface runoff and discharge resulting from precipitation.

(xxi) *Storm water manager* is the person selected by the management committee, assigned to the Office of the Hamilton County Engineer, and designated to supervise the operation of the program.

(xxii) *Storm water runoff* means flow on the surface of the ground, resulting from precipitation.

(3) *Best Management Practices (BMP) manual.*

(a) *Storm water design or BMP manual.*

(i) The program will adopt a storm water design and best management practices (BMP) manual (hereafter referred to as the BMP manual), which is incorporated by reference in this ordinance as if fully set out herein.

(ii) This manual will include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time at the discretion of the management committee upon the recommendation of the program staff, based in improvements in engineering, science, and monitoring and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(4) *Land disturbance permits required.*

(a) *Mandatory.* A land disturbance permit from the program will be required in the following cases:

(i) Land disturbing activity that disturbs one (1) or more acres of land;

(ii) Land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one or more acres of land as determined by the program manager;

(iii) Land disturbing activity that disturbs less than one (1) acre of land if, in the discretion of the program staff, such activity poses a unique threat to the water environment or to public health or safety.

(b) *Application requirements.*

(i) Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity shall submit to the program staff a permit application on a form provided by the program.

(ii) A permit application must be accompanied by the following:

(A) A sediment and erosion control plan which addresses the requirements of the BMP manual; and

(B) A nonrefundable land disturbance permit fee as described in Appendix A[3] to this ordinance.

(iii) The land disturbance permit application fee shall be established for the program under the provisions of the standard operating procedures.

(c) *General requirements.*

(i) All land disturbing activities undertaken within the program service area shall be conducted in a manner that controls the release of sediments and other pollutants to the storm water collection and transportation system in accordance with the requirements of the programs BMP manual.

(d) *Review and approval of application.*

(i) The program staff will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. The program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default. No development shall commence until the land disturbance permit has been approved by the program staff or until the time limit allowed for review has expired.

(ii) Each land disturbance permit shall be issued for a specific project and shall expire twelve (12) months after its issuance. The applicant is solely responsible for the renewal of a permit if work is to continue after the expiration of the permit. Renewal will require payment of an additional land disturbance permit fee.

(e) *Transfer of permit.*

(i) Land disturbance permits are transferable from the initial applicant to another party. A notice of transfer, on a form acceptable to the program and signed by both parties, shall be filed with the program staff. Such transfer shall not automatically extend the life of the existing permit or in any other way alter the provisions of the existing permit.

(5) *Runoff management permits.*

(a) *Mandatory.*

(i) A runoff management permit will be required in the following cases:

[3]Editor's note(s)—Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

(A) Development, redevelopment, and/or land disturbing activity that disturbs one or more acres of land;

(B) Development, redevelopment, and/or land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land as determined by the program manager.

(b) *Runoff management.* Site requirements, as fully described in the BMP manual, shall include the following items:

(i) Record drawings;

(ii) Implementation of landscaping and stabilization requirements;

(iii) Inspection of runoff management facilities;

(iv) Maintenance of records of installation and maintenance activities; and

(v) Identification of person responsible for operation of maintenance of runoff management facilities.

(c) *Application requirements.*

(i) Unless specifically excluded by this ordinance, any landowner or operator desiring a runoff management permit for a development, redevelopment, and/or land disturbance activity shall submit a permit application on a form provided by the program.

(ii) A permit application must be accompanied by:

(A) Storm water management plan which addresses specific items as described in the BMP manual;

(B) Maintenance agreement for any pollution control facilities included in the plan; and

(C) Nonrefundable runoff management permit fees as described in Appendix A[4] to this ordinance.

(iii) The application fees for the runoff management permit shall be as established by the program under the provisions of the standard operating procedures.

(d) *Building permit.* No building permit shall be issued by a participating municipality until a runoff management permit, where the same is required by this ordinance, has been obtained.

(e) *General performance criteria for runoff management.* Unless a waiver is granted or exempt certification is issued, all sites, including those exempted under paragraph (5)(g) below are required to satisfy the following criteria as specified in the BMP manual (whether permitted or not):

(i) Through the selection, design, and maintenance of temporary and permanent BMPs, provide pollution control for sources of contaminants and pollutants that could enter storm water.

(ii) Protect the downstream water environment from degradation including specific channel protection criteria and the control of the peak flow rates of storm water discharge associated with design storms shall be as prescribed in the BMP manual.

(iii) Implement additional performance criteria or utilize certain storm water management practices to enhance storm water discharges to critical areas with sensitive resources (e.g., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs).

[4]Editor's note(s)—Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

(iv) Implement specific storm water treatment practices (STP) and pollution prevention practices for storm water discharges from land uses or activities with higher-than-typical potential pollutant loadings, known as "hot spots."

(v) Prepare and implement a storm water pollution prevention plan (SWPPP) and file a notice of intent (NOI) under the provisions of the NPDES general permit for certain industrial sites which are required to comply with NPDES requirements. The SWPPP requirement applies to both existing and new industrial sites. The owner or developer shall obtain the general permit and shall submit copies to the storm water manager.

(vi) Prior to or during the site design process, consult with the program staff to determine if a planned development is subject to additional storm water design requirements.

(vii) Use the calculation procedures as found in the BMP manual for determining peak flows to use in sizing all storm water facilities.

(f) *Review and approval of application.*

(i) The program staff will review each application for a runoff management permit to determine its conformance with the provisions of this ordinance. The program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default.

(ii) No development shall commence until the runoff management permit has been approved by the program staff or until the time limit allowed for review has expired.

(g) *Waivers.*

(i) *General.* Every applicant shall provide for storm water management; unless a written request to waive this requirement is filed with and approved by the program.

(ii) *Downstream damage, etc. prohibited.* In order to receive a waiver, the applicant must demonstrate to the satisfaction of the management committee that the waiver will not lead to any of the following conditions downstream:

(A) Deterioration of existing culverts, bridges, dams, and other structures;

(B) Degradation of biological functions or habitat;

(C) Accelerated streambank or streambed erosion or siltation;

(D) Increased threat of flood damage to public health, life, or property.

(iii) *Runoff management permit not to be issued where waiver granted.* No runoff management permit shall be issued where a waiver has been granted pursuant to this section. If no waiver is granted, the plans must be resubmitted with a runoff management plan. All waivers must be adopted by a majority of the management committee meeting in open session pursuant to the program's standard operating procedures. The applicant shall prepare an agreement which shall formalize the applicant's commitment to implement all actions proposed by the applicant and relied on by the management committee in granting the waiver. Said agreement, once determined to be acceptable to the management committee, shall be executed by an authorized representative of the applicant and the chairman of the management committee. The executed agreement shall form a binding contract between the applicant and the program, and the terms of said contract shall be fully enforceable by the program staff. The program staff's authority to enforce the terms of the waiver agreement shall be identical to those typically exercised by the

staff with regard to the implementation of runoff management plans. No construction activities shall commence at a site covered by a waiver until the waiver agreement is fully executed.

(6) *Non-storm water discharge permits.*

(a) *Commercial and industrial facilities.* Commercial and industrial facilities located within the program service area may in certain situations be allowed to discharge nonpolluting non-storm water into the storm water collection system. As allowed by Tennessee Department of Environment and Conservation (TDEC) regulations, certain non-storm water discharges may be released without a permit. A listing of such allowed discharges in included in section (9) which follows. Except for these discharges, a permit for all nonpolluting non-storm water discharges shall be required in addition to any permits required by the State of Tennessee for storm water discharges associated with industrial or construction activity.

(b) *New facilities.* The permit application for a new facility requesting non-storm water discharges shall include the following:

(i) If the facilities are to be covered under the TDEC general NPDES permit for storm water discharges associated with industrial activity, a general NPDES permit for storm water discharges associated with construction activity, or an individual NPDES permit, the owner or developer shall timely obtain such permits or file the NOI and shall submit copies to the program.

(ii) Any application for the issuance of a non-storm water discharge under this article shall include the specific items listed in the program's BMP manual.

(iii) Each application for a non-storm water discharge permit shall be accompanied by payment of a non-storm water discharge permit fee as described in Appendix A[5] to this ordinance. Said fee shall be established under the provisions of the standard operating procedures for the program.

(c) *Review and approval of application.*

(i) The program staff will receive each application for a non-storm water discharge permit to determine its conformance with the provisions of this ordinance. Within thirty (30) calendar days after receiving an application, the program staff shall provide one of the following responses in writing:

(A) Approval of the permit application;

(B) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issuance of the permit subject to these conditions; or

(C) Denial of the permit application, indicating the reason(s) for the denial.

(d) *Permit duration.* Every non-storm water discharge permit shall expire within three (3) years of issuance subject to immediate revocation if it is determined that the permittee has violated any of the terms of the permit or if applicable regulations are revised to no longer allow the specific non-storm water discharge covered by the permit.

(7) *Program remedies for permittee's failure to perform.*

(a) Failure to properly install or maintain sediment and erosion control measures.

(i) If a responsible party fails to properly install or maintain sediment and/or erosion control measures as shown on a sediment and erosion control plan used to secure a land disturbance

[5]Editor's note(s)—Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

permit under the program, the program staff is authorized to act to correct the deficiency or deficiencies.

(ii) The Program manager is hereby authorized to issue a "Stop Work Order" to the responsible party in any situation where the program manager believes that continued work at a site will result in an increased risk to the public safety or welfare or the downstream water environment. Upon receipt of such a "Stop Work Order," the responsible party shall immediately cease all operations at the site except those specifically directed toward correcting the deficiency or deficiencies in the sediment and/or erosion control measures.

(iii) Where the deficiency or deficiencies described hereinbefore do not, in the opinion of the storm water manager, pose an imminent threat to the public safety or welfare or the downstream water environment, the program staff shall notify in writing the responsible party of the deficiency or deficiencies. The responsible party shall then have forty-eight (48) hours to correct the deficiency or deficiencies, unless exigent or other unusual circumstances dictate a longer time. In the event that corrective action is not completed within that time, the program staff may take necessary corrective action.

(iv) Where, in the opinion of the storm water manager, the deficiency or deficiencies described hereinbefore do pose an imminent threat to the public safety or welfare or the downstream water environment, the program staff may immediately act to correct the deficiency or deficiencies by performing or having a third party perform all work necessary to restore the proper function of the sediment and erosion control system. The responsible party will be informed, in writing, as to the actions of the program staff as soon as practicable following implementation of the corrective action. The program staff may request assistance from the staff of any community participating in the program to perform the "third party" corrective work described in this paragraph.

(v) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition, the responsible party's failure to properly install and/or maintain sediment and erosion control measures in accordance with a land disturbance permit may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(b) Failure to meet or maintain design maintenance standards for runoff management facilities.

(i) If a responsible party fails or refuses to meet the design or maintenance standards required for runoff management facilities under this ordinance, the program staff, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(ii) In the event that the runoff management facility is determined to be improperly operated or maintained, the program staff shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible party shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the program staff may take necessary corrective action.

(iii) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition, the responsible party's failure to meet the design or maintenance standards of an approved runoff management plan may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(8) *Existing locations and developments.*

(a) *Requirements for all existing locations and developments.* Requirements applying to all locations and developments at which land disturbing activities occurred prior to the enactment of this ordinance are described in the BMP manual.

(b) *Inspection of existing facilities.* The program may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built both before and after the adoption of this ordinance, are functioning within design limits as established within the program BMP manual. These inspection programs may include but are not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as sources of increased sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with increased discharges of contaminants or pollutants or with discharges of a type more likely than the typical discharge to cause violations of the municipality's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, ground water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(c) *Requirements for existing problem locations.*

(i) The program shall provide written notification to the owners of existing locations and developments of specific drainage, erosion, or sediment problems originating from such locations and developments and the specific actions required to correct those problems.

(ii) The notice shall also specify a reasonable time for compliance.

(iii) Should the property owner fail to act within the time established for compliance, the program may act directly to implement the required corrective actions.

(iv) The cost of any action to the program incurred under this section shall be charged to the responsible party. In addition, the responsible party shall be responsible for the proper maintenance and operation of any facility or facilities installed as a part of the corrective action. Failure of the responsible party to properly install, operate, and/or maintain the facility or facilities installed as part of the corrective action may subject the responsible party to a civil penalty from the program as described in a subsequent section of this ordinance.

(d) *Corrections of problems subject to appeal.* Corrective measures imposed by the storm water utility under this section are subject to appeal under section(13) of this ordinance.

(9) *Illicit discharges.*

(a) *Scope.* This section shall apply to all water generated on developed or undeveloped land entering any separate storm sewer system within the program service area.

(b) *Prohibition of illicit discharges.* No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water except as permitted under section (6) of this ordinance or allowed as described below. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(i) Uncontaminated discharges from the following sources:

(A) Water line flushing.

(B) Landscape irrigation.

(C) Diverted stream flows.

(D) Rising ground water.

(E) Uncontaminated ground water entering the storm water collection system as infiltration (Infiltration is defined as water, other than wastewater, that enters the storm sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)

(F) Pumped ground water determined by analysis to be uncontaminated.

(G) Discharges from potable water sources.

(H) Foundation drains.

(I) Air conditioning condensate.

(J) Irrigation water.

(K) Springs.

(L) Water from crawl space pumps.

(M) Footing drains.

(N) Lawn watering.

(O) Individual residential car washing.

(P) Flows from riparian habitats and wetlands.

(Q) Dechlorinated swimming pool discharges.

(R) Street washwater.

(ii) Discharges specified in writing by the program as being necessary to protect public health and safety.

(iii) Dye testing, if the program has so specified in writing.

(c) *Prohibition of illicit connections.*

(i) The construction, use, maintenance, or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(ii) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(d) *Reduction of storm water pollutants by the use of BMPs.* Any person or party responsible for the source of an illicit discharge may be required to implement, at the person's or party's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(e) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information on any known or suspected release which has resulted, or may result, in illicit discharges of non-allowed pollutants into the storm water conveyances of the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event that such a release involves hazardous materials, the person shall

immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the program staff in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the program staff within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(f) *Enforcement.*

(i) *Enforcement authority.* The storm water manager or his designees shall have the authority to issue notices of violation and citations and to impose the civil penalties provided in this section.

(ii) *Notification of violation.*

(A) *Written notice.* Whenever the storm water manager finds that any permittee or any other person discharging non-storm water has violated or is violating this ordinance or a permit or order issued hereunder, the storm water manager may serve upon such person written notice of the violation. A copy of any such notice shall be sent to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. Within ten (10) days of this notice, an explanation of the violation and a plan for the correction and prevention thereof, to include specific required actions, shall be prepared by the discharger and submitted to the storm water manager. Submission of this plan and/or acceptance of the plan by the program staff in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) *Consent orders.* The storm water manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (D) and (E) below.

(C) *Show cause hearing.* The storm water manager may order any person who violates this ordinance or permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(D) *Compliance order.* When the storm water manager finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures and devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(E) *Cease and desist orders.* When the storm water manager finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the storm

water manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith; or

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(iii) *Civil penalties.*

(A) *Assessment of penalties:* In addition to the authority granted to the storm water manager in the preceding paragraphs to address illicit discharge violations, the storm water manager may, in accordance with the provisions of section (12) of this ordinance, impose a civil penalty on the party responsible for an illicit discharge.

(B) *Appeals:* All penalties assessed under this section may be appealed in accordance with the provisions of section (13) of this ordinance.

(10) *Conflicting standards.*

(a) *Conflicting standards.* Whenever there is a conflict between any standard contained in this ordinance, any BMP manual adopted by the program under this ordinance, or any applicable state or federal regulation, the strictest standard shall prevail.

(11) *Program fees.*

(a) *Annual program fees.* The program shall be financed primarily through an annual fee charged to all residential, commercial, and industrial storm water dischargers located within the program service area.

(i) *Initial annual program fees.*

(A) *Residential properties:* A single residential annual fee of eight dollars fifty cents ($8.50) shall be adopted initially for all households in the program service area. Property used for agricultural or residential purposes and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall be charged a residential annual program fee as described above. Multifamily residential complexes shall be charged one residential annual program fee for each unit in the complex regardless of the actual occupancy of a given unit. Manufactured home parks and developments shall be charged one residential annual program fee for each space in the development regardless of the actual occupancy of a given space.

(B) *Commercial and industrial properties:* Property used for commercial or industrial purposes within the program service area and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall initially be charged an annual fee of one hundred seven dollars ($107.00) per impervious acre of development on the property but not less than the annual residential program fee.

(C) Governmental, institutional, other tax-exempt properties, and properties exempted by statute or action of the management committee shall not be charged an annual program fee.

(ii) *Annual fee revision procedures:* The annual program fee shall only be changed through the following multi-step procedure:

(A) During the first quarter of each calendar year, the storm water manager shall perform a review of the program's financial condition, including an estimate of probable income and expenses for the upcoming year. Should the annual review indicate that the program will experience a significant budget imbalance in the coming year, storm water manager shall present to the management committee a request to revise the annual fee structure to correct the imbalance.

(B) The management committee shall, at the next meeting following the receipt of the storm water manager's recommendation, examine the annual financial review and the storm water manager's recommendation for the adjustment in the annual fees. If no regular meeting of the management committee is scheduled within thirty (30) calendar days of the issuance of the storm water manager's recommendation, the chair of the committee shall call a special meeting. The management committee shall be free to adjust the proposed revisions, if any, in the amounts of the annual fees to any amounts which are supported by three-fourths (¾) of the members of the management committee.

(C) Once the management committee adopts an annual fee revision recommendation, the storm water manager shall prepare a draft resolution incorporating the recommendation for action by the Hamilton County Commission. The storm water manager shall submit the draft resolution for consideration at an upcoming meeting of the county commission, as allowed by the rules and procedures of the county commission. The county commission may adopt the recommendation, reject the recommendation, or adopt a different annual fee revision based on their own assessment of the program's financial situation, subject to the limitations described in the interlocal agreement establishing the program. The action of the county commission shall be final.

(iii) *Annual fee incorporation in municipal storm water fee:* Nothing contained herein shall prohibit or restrict any participating municipality from enacting and collecting an annual storm water fee within its own jurisdictional boundaries which is higher than the program's annual fee. The program's annual fee shall be incorporated in the municipality's annual fee. The municipality may collect and utilize the excess funds derived from a higher annual storm water fee to address storm water issues within its boundaries as the municipality judges to be in its own best interest.

(b) *Special program fees.* The program shall be allowed to charge special program fees to individuals and organizations for specific activities which require input from the program staff. Because of the service-related nature of the special program fees, they shall be applicable to all storm water dischargers located within the program service area, including dischargers who may be exempt from the annual program fee. Special program fees shall comply with the following provisions:

(i) *Types:* Special program fees may be charged for the following types of services:

(A) *Development plans review:* Any person or organization with planned construction that will disturb one acre or more shall submit development plans to the program staff which describe in detail the planned construction's conformance with the program requirements for storm water pollution control at the site of the development. "Disturb" as used in this section shall identify any activity which covers, removes, or otherwise reduces the area of existing vegetation at a site, even on a temporary basis.

(B) *Erosion control plans review:* Any person or organization with planned construction that will disturb one acre or more shall submit erosion control plans to the program staff which describe in detail the planned construction's conformance with program requirements for erosion control at construction sites. It is understood that the erosion control plans review

fee shall include on-site inspections by qualified member(s) of the program staff of the installed erosion control measures as defined by the approved erosion control plans.

(C) *Erosion control noncompliance re-inspection:* Should any on-site inspection of installed erosion control measures reveal that the measures have been improperly installed, prematurely removed, damaged, or have otherwise failed and that such deficiency does not pose an imminent threat to the public safety or welfare or the downstream water environment, the program shall inform the responsible party of the deficiency, the responsible party's obligation to bring the installation into compliance with the approved plan, and the assessment of a re-inspection fee. The re-inspection fee shall reimburse the program for the costs associated with an inspector's returning to a specific site out of the normal inspection sequence.

(D) *Non-storm water discharge permit review:* Commercial and industrial facilities located within the program service area may be allowed to discharge non-polluting wastewater into the storm water collection system. All such discharges, unless covered by a permit issued directly by TDEC or successor agency, must be covered by a discharge permit issued by the program staff and renewed annually. Fees charged by the program for such non-storm water discharge permits will include the costs of the periodic sampling and testing of the discharge, determination of the amount of the discharge, and any costs associated with reviewing and issuing the permit and maintaining necessary records pertaining to the permit.

(E) *Residential development retention/detention basin lifetime operation and maintenance fee:* The ownership of the property containing a dry detention basin constructed as a part of an approved runoff management plan for a residential development composed of multiple, individually owned lots shall be permanently transferred to Hamilton County, Tennessee, in accordance with the property transfer procedures of the county. In addition, the developer of the residential development shall pay a lifetime operation and maintenance fee to the program for each retention/detention basin. All such fees received by the program shall be deposited in an investment account and the earnings of the account shall be used to pay for the maintenance, repair, and operation of the retention/detention basins transferred to the ownership of the county.

(F) *Other:* The management committee may from time to time identify other specific activities which warrant a special program fee. No such fee shall be enacted unless it is endorsed by the county mayor and approved by the county commission. Procedures for establishing a special program fee other than those identified above shall generally comply with the procedures for making revisions to the annual program fee as described in the preceding section.

(ii) *Initial special program fees:* The initial amounts of the various special program fees shall be as noted in Appendix A[6] to this ordinance.

(iii) *Special program fee revision procedures:* Special program fees shall be changed only through the following multi-step procedure:

(A) The storm water manager shall review the special program fees during the annual program financial review required under the "annual fee revision procedures" described in a previous section. The storm water manager shall determine the financial viability of each

[6]Editor's note(s)—Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

special program fee and present to the management committee requests for revision of those fees, if any, which the storm water manager believes should be adjusted.

(B) Once the storm water manager has submitted his or her recommendations, revisions of the special program fees shall comply with the procedures for management committee review and county commission action identified under the "annual fee revision procedures" described hereinbefore.

(12) *Penalties.*

(a) *Violations.* Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action required by the program, shall be guilty of a civil offense.

(b) *Penalties.* Under the authority provided in TCA § 68-221-1106, the program declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the program of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. Applicable penalties for some specific violations are outlined in the enforcement protocol described in Appendix B[7] of this ordinance.

(c) *Measuring civil penalties.* In assessing a civil penalty, the storm water manager may consider:

(i) The harm done to the public health or the environment;

(ii) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(iii) The economic benefit gained by the violator;

(iv) The amount of effort put forth by the violator to remedy this violation;

(v) Any unusual or extraordinary remedial or enforcement costs incurred by the program or any participating municipality;

(vi) The amount of penalty established by ordinance or resolution for specific categories of violations; and

(vii) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(d) *Recovery of damages and costs.* In addition to the civil penalties in subsection (b) above, the program may recover:

(i) All damages proximately caused by the violator, which may include and reasonable expenses incurred in investigating violations of and enforcing compliance with this ordinance, or any other actual damages caused by this violation.

(ii) The costs of maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this ordinance.

(e) *Other remedies.* The program or any participating municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

[7]Editor's note(s)—Appendices to the storm water ordinance can be found behind the Appendix tab of this code.

(f) *Remedies cumulative.* The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(13) *Appeals.* All actions of the program staff, except for possible criminal violations which the staff has reported to the appropriate enforcement agency, shall be subject to an appeals process under the initial jurisdiction of the management committee. Appealable staff actions specifically include the assessment of civil penalties. Following receipt of a written "notice of appeal" from an appellant, the appeals process shall function as follows:

(a) *Administrative review.* An administrative review of all appeals and/or requests for review shall initially be conducted by the storm water manager. The storm water manager shall review the record of the situation and, if the storm water manager is not satisfied that both of the following conditions have been met, the storm water manager shall notify the appellant of the finding and grant the relief or a portion of the relief, as determined by the storm water manager, sought by the appellant:

(i) The matter under dispute has been handled correctly by the program staff under the applicable rules and procedures of the program.

(ii) The matter under dispute has been handled fairly by the program staff and the appellant has not, in any way, been treated differently than other dischargers with similar circumstances.

If the storm water manager determines that both items (i) and (ii) immediately above have been satisfied, the storm water manager shall notify the appellant in writing that no relief can be granted at the program staff level and that the appellant is free to pursue the appeal with the management committee. Such notification shall include instructions as to the proper procedure for bringing the matter before the committee. Notification shall be made by hand-delivery; verifiable facsimile transmission; or certified mail, return receipt requested. A copy of the notification shall be provided to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. The storm water manager shall complete the review and issue an opinion within twenty (20) calendar days of the receipt of the appeal.

(b) *Committee hearing.* Appeals rejected by the storm water manager, in accordance with the procedure outlined immediately above, may be brought before the management committee. Within thirty (30) calendar days of receipt of a notification of an appeal, the committee shall determine if the appeal is to be heard by the committee as a whole, if the matter is to be referred to a standing subcommittee, or if a new subcommittee is to be appointed specifically to hear the appeal. If a special committee is appointed, the officer presiding at the meeting of the management committee at which the special subcommittee is appointed shall name a chair and vice chair for said subcommittee. Once the appropriate forum for the appeal is decided, a date and time for hearing the appeal shall be set. Such date and time shall be within fifteen (15) calendar days following the date of the management committee's initial considerations regarding the appeal.

(c) *Hearing procedures.* Appeal hearings shall be conducted in a formal and orderly manner. However, the hearing is not a "court of law" and the rules of evidence, testimony, and procedures for such courts shall not apply. The storm water manager or his designee shall first brief the committee or subcommittee on the history of the situation, including the actions of the program staff leading up to the appeal. The appellant shall then present his or her arguments as to why the relief sought should be granted. The storm water manager or his designee shall then have the opportunity to rebut or refute the appellant's arguments. The committee or subcommittee shall then conduct deliberations concerning the appeal in an open session. During such deliberations, the members may ask questions of and/or seek additional input from the appellant or the program staff to clarify the situation. At the

close of these deliberations the committee or subcommittee shall vote to accept or reject the appeal or to adopt a modified position regarding the matter in question. The outcome of this vote shall be considered the final action of the program with regard to the appeal. The chair of the committee or subcommittee hearing the appeal shall prepare a written order reflecting the committee's or subcommittee's determination regarding the appeal. A tape recording, minutes, or other record of the hearing shall be made and maintained by the program staff.

(d) *Appealing decisions of the management committee.* Any appellant dissatisfied with the decision of the management committee, as described in the preceding paragraph, may appeal the management committee's decision by filing an appropriate request for judicial review to the Chancery Court of Hamilton County.

(14) *Implementation schedule.*

(a) *Discharge permit.* The program is authorized under National Pollutant Discharge Elimination System (NPDES) Permit No. TNS075566 issued by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, which expires February 26, 2008. It is anticipated that subsequent permits will be issued to the program under the same permitting authority. All applicable provisions of the current or any subsequent permit shall be enforceable by the program as if fully spelled out herein. Implementation of certain aspects of the program shall comply with the specific schedule included in the permit.

(b) *Implementation schedule.*

Description	Effective Date
Prohibition of Illicit Discharges (Ordinance Section 9)	January 1, 2006
Prohibition of the Release of Sediments and Erosion Products from a Land Disturbance Site (Ordinance Section 4, Paragraph C)	January 1, 2006
Implementation of the Land Disturbance Permit Program (Ordinance Section 4)	January 1, 2008
Implementation of the Runoff Management Permit Program (Ordinance Section 5)	January 1, 2008
Implementation of the Non-Storm Water Discharge Permit Program (Ordinance Section 6)	January 1, 2008

(15) *Overlapping jurisdiction.* The State of Tennessee, working through the Tennessee Department of Environment and Conservation (TDEC), is or may be required by federal regulations to address storm water pollution issues in ways which appear to overlap the goals and requirements of the program described by this ordinance. Where such overlaps occur and where TDEC's regulations and determinations are more restrictive, the TDEC regulations and determinations shall control.

A requirement to comply with TDEC regulations and determinations shall not, in any way, relieve any party from complying with the provisions of this ordinance.

(as added by Ord. #161, Oct. 2005)

Title 19 ELECTRICITY AND GAS

CHAPTER 1. ELECTRICITY[1]

19-101. To be furnished under franchise.

Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.[2] The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

(1972 Code, § 13-301)

CHAPTER 2. GAS[3]

19-201. To be furnished under franchise.

Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

(1972 Code, § 13-401)

Editor's note(s)—The agreements are of record in the office of the city recorder.

[1]Cross reference(s)—Electrical code: title 12.

[2]Editor's note(s)—The agreements are of record in the office of the city recorder.

[3]Cross reference(s)—Gas code: title 12.

Title 20 MISCELLANEOUS

CHAPTER 1. METROPOLITAN TRANSIT AUTHORITY

20-101. Creation.

There be and is hereby created pursuant to the terms of Chapter 515, Public Acts of 1970, as amended by Chapter 160, Public Acts of 1971, a Metropolitan Transit Authority for the City of Lakesite, Tennessee and Hamilton County, Tennessee. Said Authority, to be called the Chattanooga Area Regional Transportation Authority (hereinafter called the Authority), is hereby granted full power and authority to acquire, purchase, construct, extend, improve, maintain, own, and operate a system of street railroads, and/or electric coaches, and/or motor buses, and/or any other suitable or convenient vehicles primarily for the transportation for hire of passengers and incidental activities, including without limitations, street railroads, street cars, electric coaches, motor buses, automobiles, and other vehicles however propelled, car barns, terminals, garages, repair shops, lines, poles, conduits, underground and overhead wires, cables, engines, generators, switchboards, storage tanks, pumps, fixtures, accessory apparatus, buildings and lands, right-of-way, and easements, and all other appurtenances necessary, usual, or proper to such system for the transportation for hire of passengers upon any or all streets in the City of Chattanooga and the City of Lakesite and upon any or all highways in Hamilton, Catoosa, Dade and Walker Counties and the municipalities in Tennessee and Georgia and in other states, upon compliance with their laws.

(Ord. #4, Jan. 1974, 2nd Part)

Editor's note(s)—Ordinance no. 4 dated January 1974, provides that members of the Metropolitan Transit Authority, representing the city, shall be elected by the board of commissioners of the city.

The ordinance provides further that "Nothing herein shall be construed as an undertaking by this city to incur any obligation or pay any expense, unless and until such obligation or expense has been specifically considered by this commission and authorized by a majority vote thereof." Ordinance no. 4 is available in the city recorder's office.

20-102. Selection of members and officers.

The Authority shall consist of members and such subordinate officers and employees as may be selected by the Authority as hereinafter provided.

(Ord. #4, Jan. 1974, 2nd Part)

20-103. Number of board members.

The board of the Authority shall consist of one (1) member appointed by each governmental entity that participates in said Authority, other than the City of Chattanooga, and a number equal to the total of all other participating governmental entities plus one (1) shall be appointed by the City of Chattanooga. Each members' term shall be for a period of five (5) years, or until his successor is duly appointed and qualified. In case of the death, disability, removal or resignation of any member, or for any reason a member's position becomes vacant, said position shall be filled for the remainder of his term by appointment of the body which appointed him.

(Ord. #4, Jan. 1974, 2nd Part)

20-104. Election of members; regular meetings; and compensation.

Immediately upon the qualification of the members of the Authority, they shall elect one (1) of the members of said Authority as chairman, and one (1) of its members as vice-chairman, one (1) of its members as secretary, and one (1) of its members as treasurer; and the chairman, vice-chairman, secretary and treasurer shall hold office as such during the terms for which they are elected as members of the Authority. The Authority shall hold regular meetings at least one (1) monthly, at a definite time to be fixed by resolution of the Authority, and such special meetings as may be necessary for the transaction of the business of the Authority. A majority of the members shall constitute a quorum for the transaction of business at any regular or special meeting. Notice of any special meeting may be waived, either before or after the holding thereof; and personal attendance at any special meeting shall constitute a waiver of notice by the members present; and absence of any member from Hamilton County shall dispense with the necessity of giving such member any notice of any special meeting.

The compensation of the members of the Authority is hereby fixed at fifty dollars ($50.00) per regular meeting, and fifty dollars ($50.00) for each special meeting.

The chairman and the other members of said Authority shall devote a substantial amount of their time and attention to their said office and shall have general supervision in accordance with sound business management principles over the operation of the transit system and of all executives and employees of said system. The said members of the Authority shall keep themselves advised as to the general operating and financial condition of the system, and they shall cause to be furnished a monthly report to the local member governments with regard to the operation, maintenance and financial condition of the system, and from time to time shall furnish such other information as the member governments may request.

In event of the death, resignation, removal, disability or absence of the chairman, the vice-chairman shall perform all the duties of the chairman, and may perform such other duties as may be prescribed by the board of the Authority.

(Ord. #4, Jan. 1974, 2nd Part)

20-105. Salaries of certain officers.

The Authority shall determine to operate the system, then it shall have authority to hire and fix the salary of the following officers:

(1) A general manager, who shall devote his entire time and attention to the duties of the office, and shall not engage in any business or profession not directly connected therewith, and shall be subject to the supervision and direction of the board of the Authority and shall perform such duties and render such services as may be required of him by the board of the Authority. He shall make and file a bond in such sum as may be fixed by the board of the Authority and shall take the same oath required of members of the Metropolitan Transit Authority.

(2) A comptroller, who shall have charge and custody of all books, papers, documents and accounts of the Authority, and under whose supervision all necessary accounting records shall be kept, and all checks and vouchers prepared. The Authority shall, by resolution, designate the persons who shall sign checks, which shall be countersigned by one of the said Authority. The comptroller shall be required to attend, in person or by one of his clerks, all of the meetings of the Authority and keep a correct record of all the proceedings of that body, and perform such other duties as may be imposed upon him by the Authority. He shall have such clerical assistance in his work as the said Authority shall deem necessary for the work to be properly performed. He shall make and file a bond in such sum as may be fixed by the Authority and shall take the same oath required of members of the Authority.

(3) One (1) or more attorneys, who shall be practicing attorneys at law, who shall make and file bonds in such sum as may be fixed by the Authority, and take the same oaths required of members of the Authority, and who shall act as general counsel for the Authority and advise the Authority and other officers of the Authority in all matters of law which may arise; and who shall prosecute and defend all suits brought by or against the said Authority and all suits to which the said Authority shall be a party.

(Ord. #4, Jan. 1974, 2nd Part)

20-106. General manager employs superintendent, etc.

The general manager shall be authorized to employ such other superintendents, engineers, assistants, consultants and other subordinate officers and employees as may be necessary for the efficient operation of said Authority, and who shall hold office at the will and pleasure of the general manager.

(Ord. #4, Jan. 1974, 2nd Part)

20-107. Removal of members from office.

The members of the Authority shall be removable from office when the governmental bodies or persons causing their election to membership decides that said member or members of the Authority's continuance in office is not in the best interest of the said bodies or persons; such decisions by said bodies or persons shall be final.

(Ord. #4, Jan. 1974, 2nd Part)

20-108. Right to use public roads.

The Authority shall have the right, but not exclusive of the public right, to use any public road, street or other public way within its jurisdiction for transportation of passengers.

(Ord. #4, Jan. 1974, 2nd Part)

20-109. Transportation system; loans; investing funds; rules and regulations.

The Authority shall have power to acquire, construct, own, operate and maintain for public service, a transportation system within its jurisdiction, and all the powers necessary or convenient to accomplish the purposes of this chapter without limiting the generality of the foregoing specific powers enumerated herein. The Authority shall have the power to acquire by purchase, lease, gift or otherwise, all or any part of the plant, equipment, property, rights in property, reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any private company or corporation operating a transportation system within its jurisdiction, as herein defined. The Authority shall have the power to acquire by purchase, lease, grant, gift or otherwise any property and rights useful for its purposes, and to sell, lease, transfer or convey any property or rights.

The Authority shall have power to apply for and accept grants and loans from the Federal Government or any agency or instrumentality thereof, to be used for any of the purposes of the Authority, and to enter into any agreement with the Federal Government in relation to such grants or loans.

The Authority shall have power to invest and reinvest any funds held in reserve or sinking funds not required for immediate disbursements in bonds or notes of the United States, bonds of the State of Tennessee, or bonds of any county or city of the State of Tennessee, or federally insured securities or accounts.

The Authority shall have the power to promulgate, by resolution, any rules and regulations deemed necessary to carry out the duties of the Authority.

(Ord. #4, Jan. 1974, 2nd Part)

20-110. Power to enter into contracts for insurance.

The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person or persons, against employer's liability, against any act of any member, officer or employee of the Authority, or of a member of the Authority in the performance of the duties of his office or employment, or any other insurable risk.

(Ord. #4, Jan. 1974, 2nd Part)

20-111. Power to enter into employee contracts.

The Authority may deal with and enter into written contract with the employees through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees, concerning wages, salaries, hours, working condition, pension or retirement provisions.

No contract or agreement shall be made with any labor organization, association, group or individual for the employment of members of such organization, association, group or individual, for the construction, improvement, maintenance, operation or administration of any property, plant or facilities under the jurisdiction of the Authority, where such organization, association, group or individual denies on the grounds of race, creed or color, membership and equal opportunities for employment to any citizen.

(Ord. #4, Jan. 1974, 2nd Part)

20-112. Borrowing money.

The Authority shall have the continuing power to borrow money for the purpose of acquiring any transportation system, for acquiring necessary cash for working funds, or for acquiring, constructing, extending or improving its transportation system. For the purpose of evidencing the obligation of the Authority to repay any money borrowed as aforesaid, the Authority, pursuant to resolution adopted by the Authority, may from time to time issue, sell and dispose of its interest-bearing revenue bonds, short-term notes or obligations. All such bonds, notes and obligations shall be payable from the revenues or income to be derived from the transportation system. No lien upon any physical property of the Authority, shall be created thereby.

(Ord. #4, Jan. 1974, 2nd Part)

20-113. Issuance of bonds.

The member governments, whenever requested by the Authority, shall have authority to incur indebtedness and issue and sell general obligation or revenue bonds or notes on behalf of the Authority to such extent and in

such manner as may now or hereafter be authorized by an applicable Private or Public Act or General Law of the State of Tennessee.

(Ord. #4, Jan. 1974, 2nd Part, modified)

20-114. Uses for revenue.

The revenue received each year by the Authority from the operation of the transportation system, before being used for any other purpose, shall be used for the following purposes, in the order named, to wit:

(1) The payment of all operating expenses of the transportation system for the year;

(2) For interest accruals and sinking fund accruals on bonds and mortgages issued for the benefit of the transportation system;

(3) For cash payments to a working capital reserve, a renewals and replacements reserve, and a casualties reserve, for the benefit of the transportation system, said cash payments to said reserves to be in such amounts as the Authority thinks proper and by resolution may elect to set up from time to time.

(Ord. #4, Jan. 1974, 2nd Part)

20-115. Schedule of rates, fares, etc.

The Authority shall have final authority to make a schedule of rates, fares, tolls, and operating schedules for its transportation services within its jurisdiction.

(Ord. #4, Jan. 1974, 2nd Part)

20-116. Enforcement of the rules and regulations.

The Authority shall have the power and authority to promulgate and enforce such rules and regulations governing the system as they may deem proper in the operation of said transportations system. The authority shall also have every power, expressed or implied, in Chapter 515, Public Acts of 1970, as amended by Chapter 160, Public Acts of 1971, and any other applicable general or private act including the right of eminent domain, and the power to issue all licenses, permits or franchises for the carriage of passengers within its jurisdiction.

(Ord. #4, Jan. 1974, 2nd Part)

20-117. Power to contract with corporations.

The Authority shall, in addition to the rights granted herein to operate the transportation system, have the power to contract with such groups as corporations or other public bodies to operate the system in accordance with principles herein enumerated.

(Ord. #4, Jan. 1974, 2nd Part)

20-118. Regulate public transportation.

The Authority shall license and regulate all forms of public transportation including, but not limited to, taxicabs, airport limousines, and all other local carriers of passengers for hire. Said Authority shall fix rates of fares for persons and baggage, routes, and all other services, and shall have final authority to issue or deny licenses, and to revoke or suspend for cause licenses previously issued.

(Ord. #4, Jan. 1974, 2nd Part)

20-119. Power to contract with governmental entities.

The Authority shall have the power to make any and all contracts with other governmental entities, who are not members of said Authority, to extend service to said entities, on either an intrastate or interstate basis.

(Ord. #4, Jan. 1974, 2nd Part)

20-120. Liability not created by participation.

By participating in the said Authority, no governmental entity, including the City of Chattanooga, assumes any responsibility for the debts, operating expenses, obligations, or other liabilities of the Authority unless and when an individual governmental entity may from time to time specifically agree to do so by action of its governing body.

(Ord. #4, Jan. 1974, 2nd Part)

20-121. Collection of taxes and fees.

Nothing in this chapter shall be construed to prevent any city from collecting any business taxes, license fees, inspection fees, and/or collection fees normally incident to the businesses herein regulated.

(Ord. #4, Jan. 1974, 2nd Part)

CHAPTER 2. ADMINISTRATIVE HEARING OFFICER

20-201. Municipal administrative hearing officer.

(a) In accordance with Tennessee Code Annotated, Title 6, Chapter 54, Part 10, there is hereby created the Office of Administrative Hearing Officer to hear violations of any of the provisions codified in the Lakesite Municipal Code relating to building and property maintenance including:

(1) Building codes found at Title 12, Chapter 1;

(2) Plumbing codes found at Title 12, Chapter 2;

(3) Electrical codes at Title 12, Chapter 3;

(4) Fuel Gas codes at Title 12, Chapter 4;

(5) Housing codes found at Title 12, Chapter 5;

(6) Mechanical codes at Title 12, Chapter 6;

(7) Residential codes at Title 12, Chapter 7;

(8) Energy conservation codes at Title 12, Chapter 8;

(9) Fire Prevention Rapid Entry Requirements at Title 12, Chapter 9;

(10) Property Maintenance Regulations at Title 13; and

(11) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation of codes adopted by the State Fire Marshal pursuant to Tennessee Code Annotated §68-120-101(a) enforced by Deputy Building Inspector pursuant to Tennessee Code Annotated §68-120-101(f).

The utilization of the administrative hearing officer shall be at the discretion of the city manager and shall be an alternative to the enforcement in the City of Lakesite Municipal Court.

(b) There is hereby created one (1) administrative hearing officer position to be appointed pursuant to Section 20-205 below.

(c) The amount of compensation for the administrative hearing officer shall be approved by the City Manager.

(d) Clerical and administrative support for the Office of Administrative Hearing Officer shall be provided as determined by the City Manager.

(e) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in Title 6, Chapter 54, Section 1001, *et seq.*, of the Tennessee Code Annotated.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-202. Communication by administrative hearing officer and parties.

(a) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative hearing officer presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(b) Notwithstanding subsection (a), an administrative hearing officer may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative hearing officer would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(c) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as an administrative hearing officer without notice and opportunity for all parties to participate in the communication.

(d) If, before serving as an administrative hearing officer in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (e).

(e) An administrative hearing officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-203. Appearance by parties and/or counsel.

(a) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative.

(b) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel, or unless prohibited by any provision of law, other representative.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-204. Pre-hearing conference and orders.

(a) In any action set for hearing, the administrative hearing officer, upon the administrative hearing officer's own motion, or upon motion of one (1) of the parties or such party's qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative hearing officer for a conference to consider:

The simplification of issues;

The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;

The limitation of the number of witnesses; and

Such other matters as may aid in the disposition of the action.

(b) The administrative hearing officer shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(c) Upon reasonable notice to all parties, the administrative hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

(d) In the discretion of the administrative hearing officer, all or part of the pre- hearing conference may be conducted by telephone, television or other electronic means, if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(e) If a pre-hearing conference is not held, the administrative hearing officer may issue a pre-hearing order based on the pleadings, to regulate the conduct of the proceedings.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-205. Appointment of administrative hearing officer/administrative law judge.

(a) The administrative hearing officer shall be appointed by The Board of Commissioners and serve at the pleasure of the Board of Commissioners. Such administrative hearing officer may be hired on a part- time or full-time basis, by contract or by interlocal agreement with one (1) or more eligible municipalities.

(b) An administrative hearing officer shall be one (1) of the following:

(1) Licensed building inspector;

(2) Licensed plumbing inspector;

(3) Licensed electrical inspector;

(4) Licensed attorney;

(5) Licensed architect;

(6) Licensed engineer; or

(c) The City may also contract with the Administrative Procedures Division, office of the Tennessee Secretary of State to employ an administrative law judge on a temporary basis to serve as an administrative hearing

officer. Such administrative law judge shall not be subject to the training or continuing education requirements of subsections 6-54-1007 (a) and (b).

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-206. Training and continuing education.

(a) Each person appointed to serve as an administrative hearing officer shall, within the six-month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, (MTAS) or its designee(s). MTAS shall issue a certificate of participation to each person whose attendance is satisfactory.

(b) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the administrative hearing officer(s). No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-207. Jurisdiction not exclusive.

The power and authority of vested in the Office of Administrative Hearing is not exclusive and does not terminate or diminish any other existing municipal power or authority. The Board of Commissioners may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-208. Citations for violations—Written notice.

(a) Upon the issuance of a citation for violation of a municipal ordinance referenced in the City's administrative hearing ordinance, the issuing officer shall provide written notice of:

(1) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(2) A short and plain description of the City's administrative hearing process including references to state and local statutory authority;

(3) Contact information for the City's administrative hearing office; and

(4) Time frame in which the hearing officer will review the citation and determine the fine and remedial period, if any.

(5) Citations issued for violations of ordinances referenced in the City's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(6) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(7) Citations issued for violations of ordinances referenced in the City's administrative hearing ordinance shall be transmitted to an administrative hearing officer within two (2) business days of issuance.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-209. Review of citation—Levy of fines.

(a) Upon receipt of a citation issued pursuant to Section 107, the administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator in accordance with this section.

Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

(1) For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation. For purposes of the administrative hearing officer program, "residential property" means a single-family dwelling principally used as the property owner's primary residence and the real property upon which it sits.

(2) For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation per day. For purposes of the administrative hearing officer program, "non-residential property" means all real property, structures, buildings and dwellings that are not residential property.

(b) If a fine is levied pursuant to subsection (a), the hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) or greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

(c) Upon the levy of a fine pursuant to subsection (a), the hearing officer shall within seven (7) business days, provide via certified mail notice to the alleged violator of:

(1) The fine and remedial period established pursuant to subsections (a) and (b);

(i) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

(iii) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the hearing officer within seven (7) business days of receipt of the notice required in subsection (c).

(iv) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (a) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-210. Party in default

(a) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative hearing officer may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(b) If the proceedings are conducted without the participation of the party in default, the administrative hearing officer shall include in the final order a written notice of default and a written statement of the grounds for the default.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-211. Petitions for intervention

(a) The administrative hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(4) If a petitioner qualifies for intervention, the administrative hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(i) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

(ii) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and

(iii) Requiring two (2) or more intervenors to combine their participation in the proceedings.

(iv) The administrative hearing officer, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative hearing officer may modify the order at any time, stating the reasons for the modification. The administrative hearing officer shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-212. Regulating course of proceedings—Hearing open to public.

(a) The administrative hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.

(b) To the extent necessary for full disclosure of all relevant facts and issues, the administrative hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-

examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the pre-hearing order.

(c) In the discretion of the administrative hearing officer and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(d) The hearing shall be open to public observation pursuant to Title 8, Chapter 44 of the Tennessee Code Annotated, unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall be satisfied by giving members of the public an opportunity, at reasonable times, to hear the tape recording and to inspect any transcript produced, if any.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-213. Evidence and affidavits; notice.

(a) In an administrative hearing:

(1) The administrative hearing officer shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative hearing officer shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(2) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (b). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross-examine an affiant, the opposing party's right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as provided in this subdivision (2), the affidavit shall not be admitted into evidence. "Delivery", for purposes of this section, means actual receipt;

(3) The administrative hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(4) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(5) (A) Official notice may be taken of:

(i) Any fact that could be judicially noticed in the courts of this state;

(ii) The record of other proceedings before the agency; or

(iii) Technical or scientific matters within the administrative hearing officer's specialized knowledge; and

(B) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material

noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

(b) The notice referred to in subdivision (2) shall contain the following information and be substantially in the following form:

The accompanying affidavit of ___(here insert name of affiant) will be introduced as evidence at the hearing in ___(here insert title of proceeding). ___(here insert name of affiant) will not be called to testify orally and you will not be entitled to question such affiant unless you notify ___(here insert name of the proponent or the proponent's attorney) at ___(here insert address) that you wish to cross-examine such affiant. To be effective, your request must be mailed or delivered to ___(here insert name of proponent or the proponent's attorney) on or before (here insert a date seven (7) business days after the date of mailing or delivering the affidavit to the opposing party).

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-214. Final orders.

(a) An administrative hearing officer shall render a final order in all cases brought before his or her body.

(b) A final order shall include conclusions of law, the policy reasons therefor, and findings of fact for all aspects of the order, including the remedy prescribed. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The final order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief and the time limits for seeking judicial review of the final order.

(c) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The administrative hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

(d) If an individual serving or designated to serve as an administrative hearing officer becomes unavailable, for any reason, before rendition of the final order, a qualified substitute shall be appointed. The substitute shall use any existing record and may conduct any further proceedings as is appropriate in the interest of justice.

(e) The administrative hearing officer may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(f) A final order rendered pursuant to subsection (a) shall be rendered in writing within seven (7) business days after conclusion of the hearing or after submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(g) The administrative hearing officer shall cause copies of the final order under subsection (a) to be delivered to each party.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-215. Final order effective date

(a) All final orders shall state when the order is entered and effective.

(b) A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-216. Collection of fines, judgments and debts

The City may collect a fine levied pursuant to this section by any legal means available to a municipality to collect any other fine, judgment or debt.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-217. Judicial review of final order

(a) A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, Title 6, Chapter 54, Part 10, which shall be the only available method of judicial review.

(b) Proceedings for judicial review of a final order are instituted by filing a petition for review in the chancery court in the county where the municipality lies. Such petition must be filed within sixty (60) calendar days after the entry of the final order that is the subject of the review.

(c) The filing of the petition for review does not itself stay enforcement of the final order. The reviewing court may order a stay on appropriate terms, but if it is shown to the satisfaction of the reviewing court, in a hearing that shall be held within ten (10) business days of a request for hearing by either party, that any party or the public at large may suffer injury by reason of the granting of a stay, then no stay shall be granted until a good and sufficient bond, in an amount fixed and approved by the court, shall be given by the petitioner conditioned to indemnify the other persons who might be so injured and if no bond amount is sufficient, the stay shall be denied.

(d) Within forty-five (45) calendar days after service of the petition, or within further time allowed by the court, the administrative hearing officer shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative hearing officer upon conditions determined by the court. The administrative hearing officer may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(f) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing officer, except as otherwise provided in this chapter. The administrative hearing officer that issued the decision to be reviewed is not required to file a responsive pleading.

(g) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative hearing officer, not shown in the record, proof thereon may be taken in the court.

(h) The court may affirm the decision of the administrative hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

    (1) In violation of constitutional or statutory provisions;

(2) In excess of the statutory authority of the administrative hearing officer;

(3) Made upon unlawful procedure;

(4) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

(5) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative hearing officer as to the weight of the evidence on questions of fact.

(i) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.

(j) The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record.

(as added by Ord. No. 304 , § 1, 9-19-2023)

20-218. Appeal to Court of Appeals.

(a) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the court of appeals of Tennessee.

(b) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to Title 24 shall become a part of the record.

(c) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure.

(as added by Ord. No. 304 , § 1, 9-19-2023)

LAKESITE ZONING ORDINANCE[1]

[1]Editor's note(s)—Printed herein is the Lakesite Zoning Ordinance of the city, Ordinance No. 189, as adopted by the Board of Commissioners on June 16, 2009. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation.

ZONING

LAKESITE ZONING ORDINANCE
ORDINANCE NO. 60 AND AMENDMENTS

AN ORDINANCE regulating and restricting the use of land and the use and location of buildings and structures; regulating and determining the area of yards, courts and other places surrounding same; regulating and restricting the density of population; dividing the City of Lakesite into zones for such purposes; adopting maps of said city showing boundaries and classification of such zones; providing for correcting errors and granting variances, and prescribing penalties for the violation of its provisions.

WHEREAS, by the provisions of Sections 13-3-1, et. seq., Tennessee Code Annotated, the Board of Commissioners of the City of Lakesite is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, and the density of population; and

WHEREAS, the Board of Commissioners of the City of Lakesite deems it necessary in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration among other things, to the character of the zones and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKESITE, TENNESSEE, THAT THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE "LAKESITE ZONING ORDINANCE". Passed on Final Reading May 19, 1988.

_____

ORDINANCE #189 ADOPTED 6/16/2009 to update and recodify zoning ordinance.

CHAPTER I APPLICATION AND AUTHORITY OF REGULATIONS

SECTION 101 AUTHORITY

The City of Lakesite pursuant to Tennessee Code Annotated § 13-7-201 hereby ordains and enacts into law the following articles and sections.

SECTION 102 GENERAL PURPOSE AND INTENT

This zoning regulations are adopted in order to promote and protect the public health, morals, comfort, convenience, safety, property and general welfare of the residents of the City of Lakesite, and to secure the public rights in the orderly development of Lakesite through promoting adequate light and air, securing safety from fire and other dangers; lessening congestion on public roads, preventing excessive concentrations or wasteful scattering of people and settlement, and facilitating and conserving adequate provisions of infrastructure and facilities as transportation, water flowage, water supply, drainage, sanitation, schools, parks and recreation, as well as guiding the land use development in accordance with the Lakesite comprehensive plan.

SECTION 103 MUNICIPAL PLANNING COMMISSION

The Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission for the City of Lakesite.

SECTION 104 INTERPRETATION AND CONFLICT

In interpreting and applying the provision of this Ordinance, the interpretation shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the community.

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, agreements, the provisions of this Ordinance shall control.

If, because of error or omission in the zoning map, any property in the City of Lakesite, Tennessee, is not shown as being in a zoning district, the classification of such property shall be R-1 zone, unless changed by amendments to the Zoning Ordinance.

SECTION 105 CHANGES AND AMENDMENTS

105.1 The Board of Commissioners of the City of Lakesite, Tennessee may, from time to time, amend, supplement, or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Board of Commissioners.

105.2 Method of Procedure

A proposed change or amendment may originate with the City Commission, with the Planning Commission, or on petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. The City Commission shall give at least fifteen (15) days prior notice of time and place for a public hearing, which shall be held in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City.

105.3 Public Hearing

That a petition to rezone, referred to the City Commission by the Chattanooga-Hamilton County Regional Planning Commission, shall not be heard unless said petition is set for public hearing before the City Commission within three (3) months of the date when the Planning Commission referred said petition to the City Commission, and such petition shall not be advertised for a public hearing unless the petitioner pays the costs of advertisement.

105.4 Scrivener Error Corrections

For purposes of the Regulations, the Chattanooga-Hamilton county Regional Planning Agency is authorized to correct scrivener errors as they are discovered and modify numbering in order to follow the basic format of the Regulations. (Ord. #257, 3/20/2018)

SECTION 106 ENFORCEMENT, VIOLATIONS AND PENALTIES

The Building Official is hereby designated and authorized to enforce this Ordinance. For purposes of enforcement the Building Official has the discretion to interpret the intent of any zoning condition imposed by the governing body of the City.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement for any of the provisions of this Ordinance shall be fined not more than fifty dollars ($50.00) for each offense. Each day a violation exists shall constitute a separate offense.

SECTION 107 VALIDITY

Should any section, sub-section, phrase, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 108 EFFECTIVE DATE

This Ordinance shall take effect two (2) weeks from and after its passage, the public welfare requiring it. PASSED on second and final reading (On roll Call Vote). June 16, 2009

CHAPTER II DEFINITIONS

SECTION 200 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, the following terms, phrases, and words shall have the specific definitions as listed in Section 201. When consistent with the context words used in the present tense include the future, and singular include the plural; the word "shall" is mandatory; the word "may" or " should" is permissive; the word "person" includes an individual, a corporation, a partnership (general or limited), a limited liability company, and incorporated association, or any other similar entity; the words "used for" or "use" include "arranged for," "designed for," "intended for," maintained for," or "occupied for," and the words "zone," "zoning district," and "district" shall mean the same thing. In case of any difference of meaning of implication between the text of these controls and any caption illustration, summary, table of illustration, the text shall control. The words "this ordinance," "these regulations," "the regulations," "said regulations," "the zoning regulations," and "said zoning regulations," shall be deemed to refer to the Lakesite Zoning Ordinance.

SECTION 201 DEFINITIONS

Accessory Structure : DELETED (Ord. #199, 10/19/10 - See Chapter V, Floodplain Regulations)

Addition (to an existing building) : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Alley : A way which affords only a secondary means of access to abutting property.

Apartment Houses : See "Dwelling, Multiple."

Appeal : means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Special Flood-related Erosion Hazard : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Area of Special Flood Hazard : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Base Flood : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Basement : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Bike Lane : Class II on-road facilities includes bicycle lanes and shouldered bikeways. A bicycle lane is a portion of the roadway separated from conventional travel lanes with a stripe, and designated for exclusive or preferential use by bicyclists. They are one-way facilities placed on both sides of a street in order to carry bicyclists in the same direction as motor vehicle traffic.

Bike Route : Class III on-street facilities includes bicycle routes. On a bike route, bicyclists and motorists share the same travel lanes. Motorists will typically have to move into the adjacent lane in order to safely pass a bicyclist.

Bioretention cell : is a multi-functional landscaped depression that uses plants and layers of soil, sand, and mulch to control runoff volume and timing, reduce the temperature of and remove pollutants from storm water before it enters local waterways. Bioretention cells can be incorporated into open space, roadway swales, and parking areas.

Boarding House : A building, other than a hotel, where meals are furnished by pre-arrangements for definite periods for compensation to four (4) or more persons who are not related to each other by blood, marriage, or legal adoption.

Boundary Map (FHBM) . DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Building : Any structure used or built for the shelter or enclosure of persons, animals, or chattels (see structure).

Building Height of : The vertical distance between the level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof and to a point two-thirds (⅔) the height of a gable, hip or gambrel roof: If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb level.

Car Lot : Any parcel of land used for the storage, display, and sale of new and used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises. (Ord. #204, 8/16/11)

Curb Level : The mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level.

Day Care Center : A place, except schools graded one (1) through twelve (12), and kindergartens operated by any governmental unit or under the supervision of any religious organization, operated by a person, society, agency, corporation, or institution, or any group wherein are received for pay six (6) or more children under 17 years of age for group care, without transfer of custody, for less than 24 hours per day. The term "day care center" shall include but not be limited to child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care regardless of name, purpose, or auspices. Also, a place operated by a person, society, agency, corporation, or institution, or any group where are received for pay six (6) or more aged persons for group care for less than 24 hours per day. This definition is not applicable to any such use operated by any governmental unit. (Ord. #201, 5/17/11)

Day Care Home : A home operated by any person who received therein for pay not more than five (5) children under 17 years of age, who are not related to such person and whose parents or guardians are not residents of the same house, for less than 24 hours supervision and care, without transfer of custody. Also, a home operated by any person who receives therein for pay not more than five (5) aged persons, who are not related to such person, for less than 24 hours supervision and care. (Ord. #210, 5/17/11)

Development : DELETED (Ord. #199, 10/19/10)—See Chapter V, Floodplain Regulations)

Dwelling Unit : Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping and eating.

Dwelling : Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any outhouses or appurtenances belonging thereto or usually enjoyed therewith.

Dwelling, Single Family : A building occupied or intended to be occupied as an abode of one family.

Dwelling, Two Family (Duplex) : A detached building designed for or occupied exclusively by two (2) families, independently of each other.

Dwelling, Multiple : A building or portion thereof used or designed as a residence for three or more families living independently of each other. Elevated Building : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Existing Construction : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Existing Manufactured Home Park or Subdivision : DELETED (Ord. #199,10/19/10—See Chapter V, Floodplain Regulations)

Existing Structures : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Expansion to an Existing Manufactured Home Park or Subdivision : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Family : Any number of individuals living together as a single housekeeping unit.

Flood Elevation Study : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood Hazard Boundary Map (FHBM) : DELETED (Ord. #199, 10/19/10 - See Chapter V, Floodplain Regulations)

Flood Insurance Rate Map (FIRM) : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood Insurance Study : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Floodplain or flood-prone area : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Floodplain Management : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood Protection System : DELETED (Ord. #199, 10/19/10 - See Chapter V, Floodplain Regulations)

Floodproofing : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood-related Erosion : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood-related Erosion Area or Flood-related Erosion Prone Area : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Flood-related Erosion Area Management : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Floodway : DELETED (Ord. #199, 10/19/10—See Chapter V, Floodplain Regulations)

Floor : means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage : The width of the lot measured at: (1) the required front yard setback line, or (2) the front of the building. The width of the property at the street shall not be less than twenty-five (25) feet capable of being used for ingress and egress, except in cases where an existing structure(s) and its required side yard could not accommodate, then the width shall not be less than fifteen (15) feet capable of being used for ingress and egress.

Garage. Private : A building or space used as an accessory to or a part of a main building permitted in any residential zone and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage. Public : Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

Garage. Storage : Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

Guest Lodging : An attached or detached accessory building or portion of the primary building used as sleeping quarters for referred guests of the owners or patrons of the primary recreational facilities. The guest lodging shall not include any cooking facilities and is not open to the public.

Home Occupation : An occupation conducted in a dwelling unit, provided that:

(a.) No person other than members of the family residing on the premises shall be engaged in such occupation;

(b.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c.) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;

(d.) There shall be no sales of products or commodities on the premises;

(e.) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(f.) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. or causes fluctuations in the line voltage off the premises. In the case of a duplex, or apartment building, no use shall be permitted which affects another unit in the same building in the above mentioned ways.

Loading Space : space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a minimum vertical clearance of fourteen (14) feet.

Lodger : An occupant of a lodging or rooming house other than the owner or caretaker or his immediate family.

Lodging (Rooming) House : Any house, or other structure, or any place or location kept, used, maintained, advertised, or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

Lot : A parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this Ordinance. For the purpose of this Ordinance, the word "lots" shall be taken to mean any number of contiguous lots or portions thereof, not separated by streets, upon which one or more main structures for a single use are erected or are to be erected.

Lot. Corner : A lot abutting upon two (2) or more streets at their intersection.

Lot. Depth : The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

Lot. Interior : A lot other than a corner lot.

Lot Lines : The lines bounding the lot.

Lot. Through : An interior lot having frontage on two (2) streets, other than a corner lot.

Lot. Width : The length of the line marking the rear of the required front yard. In zones where no front is required, the lot width shall be the same as the lot frontage.

Manufactured Homes (Mobile Home) : A factory assembled transportation structure, which exceeds eight (8) body feet in width and thirty-two (32) body feet in length, designed for use as living quarters, and built on a chassis. Such a unit may consist of one or more components which can be retracted for towing purposes and subsequently expanded for additional capacity; and/or consist of two (2) or more units separately towable,

but designed to be joined as one integral unit, with or without a permanent foundation. All manufactured or mobile homes on individual standard lots shall be placed on a permanent foundation and have a permanent enclosure around the bottom of the structure. There shall also be a permanently affixed porch or entrance steps with hand railings as regulated by the International Building Code. Plans must be submitted and approved by the Building Official before a building permit is issued.

Manufactured Home Park or Subdivision : means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Minimum Building Site : The minimum building site is the area bounded by the building footings and/or foundation, plus five (5) feet in all directions.

Modular Unit (Sectional or Relocatable Home) : A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub-elements, which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities, and may consist of one or more components.

New Construction : any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

Non-Conforming Use : A use that does not conform to the regulations of the zone in which it is situated.

Parking Lot : An area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto or therefrom.

Parking Space : A space not less than eight (8) by twenty (20) feet per vehicle plus all necessary additional space needed for vehicular access thereto.

Person : Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Recreational Marina : A marina or port, whether or not organized and operated for profit, which is used primarily to provide facilities for recreational or pleasure boats, crafts, ships, or vessels.

Recreational Vehicle : means a vehicle which is:

(a.) built on a single chassis;

(b.) 400 square feet or less when measured at the largest horizontal projections;

(c.) designed to be self-propelled or permanently towable by a light duty truck; and

(d.) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park : Any plot of land upon which two (2) or more recreation vehicles are located and used as temporary living or sleeping quarters for recreation or vacation purposes.

Start of Construction : Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story : That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building, the height of basement shall not be included if below grade.

Streets : Those rights-of-way dedicated to the public and accepted by the public authorities, including highways and roads, and provides primary access to the abutting properties.

Structure : means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Structural Alterations : Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

Substantial Damage : Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement : DELETED (Ord. #199, 10/19/10)—See Chapter V, Floodplain Regulations.

Townhouse : A townhouse is a single-family dwelling unit attached by fireproof common walls from the ground to the roof to other similar type units. Each unit, having an open space for light, air, and access in the front and rear, has its own direct ground level access to the outdoors. No dwelling unit is above or below another dwelling. It is also intended that the townhouse development be sold in "fee simple" to encourage owner occupancy.

Variance : is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Warehouse (mini or self-storage) : A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Yard : An open space on the same lot with a building unoccupied and obstructed from the ground upward, except by trees, plants, shrubbery, walls, fences, ornaments, utility poles and wires, dog houses, outdoor furniture, swimming pool, accessory buildings, gas pumps, pump islands, signs (where permitted), tanks, and similar things merely accessory to the main building or the permitted use thereof.

Yard, Front : A yard across the full width of the lot, extending from the front line of the building, including porches, to the front line of the lot.

Yard, Side : An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.

Yard, Rear : A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

CHAPTER III GENERAL REGULATIONS

SECTION 301 ZONES AND BOUNDARIES

301.1 Division into Zones

In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open spaces within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of buildings designed to specified industrial, business, residential, and other uses, the City of Lakesite. Tennessee is hereby divided into the following zones:

R-l	Residential Zone (Single Family Residential Zone)
R-2	Residential Zone (Urban Residential Zone)
R-3MD	Residential Zone (Medium Density Zone)
R-3	Residential Zone (Apartments and Townhouses)
R-5	Residential Zone (Single wide trailers and trailer parks)
PRD	Planned Residential Development
MXU	Mixed Use Zone (Medium Density Mixed Use Suburban Development Zone)
C-l	Commercial Zone (Local Business Commercial Zone)
M-2	Light Industrial Zone (Wholesale and Light Industry Zone)

301.2 The Zoning Map

The Commission of the City of Lakesite has adopted the Official Zoning Map (also known as the Digital Zoning Map or Zoning Map). This map contains the boundary of the above zones as described in this Zoning Ordinance and conforms to provisions of this Zoning Ordinance and all ordinances and laws related to zoning that are now in effect and which in the future may be in effect. The map and all notations, references and other information shown thereon are a part of this Ordinance.

The repository for the Official Zoning Map, in any form including digital as shown on a geographic overage layer as part of the geographic information system (GIS), is the Regional Planning Agency (RPA). The RPA also has the responsibility for maintenance of the Official Zoning Map. The Planning Director, or designee, shall revise the Official Zoning Map when amendments are passed by the governing body.

No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shall be shown on the GIS system.

301.3 In the creation by this Ordinance of the respective zones, the City Commission has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the City.

301.4 The boundaries of such zones are as shown upon the map adopted by this Ordinance or amendment hereto, are hereby adopted and approved and the regulations of this Ordinance governing the uses of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land including water area, within the boundaries of each and every zone shown on said map.

301.5 Where uncertainty exists as to boundaries of any zone shown on said map, the following rules shall apply:

(a) Zone boundaries which appear to approximately following street or alley shall be the center line of such boundaries;

(b) Zone boundaries which appear to follow the lot lines or property lines shall coincide with such lines.

(c) In unsubdivided property where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

(d) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

301.6 Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the zone in which it is located.

301.7 Except as hereinafter provided, no yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except that lot(s) may be created that do not meet the minimum requirements established by this Ordinance when they are the result of the resubdivision of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s).

SECTION 302 SUPPLEMENTAL REGULATIONS AND EXCEPTION

The following requirements or regulations qualify or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance.

302.1 Uses Restricted

Use of land, buildings, and structures not clearly permitted in the various zoning districts are prohibited.

302.2 Minimum Regulations

Within each zone, the regulations set by this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

302.3 Measurement

For purposes of this Ordinance and any location restrictions set forth herein, unless otherwise specified to the contrary, all measurements shall be made from the property line of any property desiring a particular use to the nearest property lines of any properties within a distance restriction.

302.4 Street Access

Every residential building hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street. Every non-residential building and/or structure hereafter erected, reconstructed or structurally altered shall be located on a lot fronting a street or a permanent recorded easement which conforms to the City of Lakesite Subdivision Regulations for easements.

302.5 Principal Building

There shall be no more than one (1) principal building per lot used for residential purposes in the R-1, R-2, and R-5 zones.

Area Regulations

A. No Yard or Space Counted Twice
No yard or other open space required by these regulations shall be considered as providing a yard or other open space of more than one (1) building.

B. Setback from Alleys
Setbacks from alleys, for buildings, or structures, shall be the same as the zone side and rear yard requirements.

C. Corner Lot
On corner lots in all zones, the same yard requirements on the street side shall be the same as the front yard requirements, except as otherwise stated herein,

D. Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches

E. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues may be permitted by the City where same are so placed as not to obstruct the light and ventilation.

302.6 Height Regulations

Subject to other restrictions set forth herein, chimneys, water tanks or towers, penthouses scenery lots, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenances to such structures may be built and used as established for the zone in which such structures are located.

302.7 A single family dwelling may be built on any lot duly recorded by deed at the time of passage of Zoning Ordinance No. 60 on May 19, 1988, or on any lot legally platted on record with the Hamilton County Register of Deeds on or before May 18, 1988, in any zone where dwellings are permitted regardless of lot size, provided the yard requirements for single family dwellings in that zone are met.

302.8 Curb-cuts

The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas for all uses except single and two-family residences shall be submitted to and approved by the Building Official before building permits can be issued.

302.9 Installation of Screening

Any required screening must be in place prior to any building construction.

302.10 Signs for Traffic

Owners of private property used by the public shall install and maintain signs, signals, markings or other devices intended to regulate, warn or guide traffic in accordance with the standards as specified in the Manual on Uniform Traffic Control Devices. Businesses having fewer than twenty-five (25) parking spaces shall be exempt from the provisions of this section. The enforcement of these standards shall be the responsibility of the Building Official or his designee.

302.11 When it has been determined that an error in zoning has occurred which was caused by a mistake by the staff of any governmental agency, the Building Official may have the authority to issue temporary building or other permits subject to the following conditions:

(1) The applicant shall furnish a Bond in an amount satisfactory to the Building Official;

(2) The applicant shall sign a document to be prepared by the Building Official which states that the applicant will be able to proceed with the building, for which review has been approved;

(3) That the document shall contain a statement that the applicant shall be permitted to proceed with any building or other construction at their own peril;

(4) That the applicant agrees to remove any improvements to the site at the applicant's expense within a time specified by the Building Official in order to fully comply with the requirements of the Zoning Ordinance.

SECTION 303 NON-CONFORMING USES

303.1 The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although such use does not conform to the provisions of this Ordinance; and such use may be extended throughout the buildings, provided no structural alterations except those required by law or Ordinance, or ordered by an authorized office to secure the safety of the building, are made therein; but no such use shall be extended to occupy any land outside such buildings. If such non- conforming building is removed or the non-conforming use of such building is discontinued for one hundred (100) consecutive days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

303.2 The lawful use of land existing at the time of the passage of this Ordinance shall not be affected by this Ordinance; provided however, that no such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such non- conforming use is discontinued for a period of not less than one hundred (100) consecutive days, any future use of land shall be in conformity with the provisions of this Ordinance.

303.3 If no structural alterations are made, a non-conforming use may be changed to a use of the same classification according to the provisions of this Ordinance. When a zone shall hereafter be changed, any then-existing non-conforming use in such changed zone may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with. Whenever a non- conforming use of a building has been discontinued or changed to a conforming use, such use shall not hereafter be changed to a non-conforming use.

303.4 Nothing in this Ordinance shall be taken to prevent the restoration within one year of a building destroyed to the extent of not more than sixty (60) percent of its value by fire, explosions or other casualty, or Act of God, or the public enemy, nor the continued occupancy of such building.

SECTION 304 SITE PLAN

304.1 Intent:

Site plans are required that will provide sufficient information for planners, planning commissioners, elected officials, and other interested parties to make more informed decisions regarding rezoning requests. Site plans that meet these requirements should promote greater understanding of the request and provide sufficient information under most circumstances to officials and stakeholders to allow informed decisions to be made.

304.2 Application: All zones except R-1.

304.3 Minimum Requirements:

1. All site plans must be submitted on a minimum of tabloid size (11" × 17") paper. Larger sizes may be requested or provided. If a larger size is provided at least one (1) copy must be of tabloid (11" × 17") size.

2. Five (5) copies of each site plan are required.
3. All plans must be clear, legible, and drawn to scale.
4. A site plan requirements checklist is also required for submittal; applicants must certify that their submitted site plan meets the requirements as stated in this document.
5. All site plans submitted for rezoning **must** contain:
    a. A legend that shows:
        - Ownership (name & address)
        - North arrow
        - Graphic Scale
        - Identification of the project contact person (including address, phone number, and email address)
        - Area in acres (total area being requested for rezoning)
        - For residential projects or mixed-use projects with a residential component, number of dwelling units and unit densities (dwelling units/gross acreage & dwelling units/net acreage)
    b. A site plan map that shows:
        - Location map
        - Current zoning
        - Approximate location, size and dimensions of the existing or proposed building(s)
        - Property lines that contain the tract of land to be developed
        - Location of and access to all adjacent public streets
        - Vehicular and pedestrian points of ingress and egress, existing or proposed
        - Landscape buffers as required by ordinance or otherwise proposed
        - Proposed sidewalks
        - Approximate parking area design/redesign, including number of spaces and traffic circulation routes
        - Location of dumpsters
    c. Additional information may be requested.

304.4 Site plan must be submitted in conjunction with rezoning applications.

SECTION 305 SPECIAL EXCEPTION PERMITS

305.1 General Standards and Procedure:

A.Purpose

In order to accomplish the general purpose of this Ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, are potentially incompatible with existing development, or because effects of such uses cannot definitely be foreseen. These uses

required special exception permits and listed under the various districts are so classified because they more intensely dominate or influence the area in which they are located than do other uses permitted by right in the district. However, the nature of such uses makes it desirable that they be specifically placed into the development pattern which exists at the time of their arrival.

B.Minimum Criteria for Consideration

Special exception permits may be approved where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the Zoning Ordinance. Also the decision shall be based on the following considerations:

a. The impact of the proposed use on traffic;

b. The impact of the operations of the proposed use on the surrounding area regarding to public health, safety, comfort, morals and general welfare in terms of the followings but not limited to:

- Hours of Operation.
- Light.
- Noise.
- Gases, fumes, vapors, and/or heat.

c. The availability and adequacy of infrastructure and public facilities.

d. The compatibility of the proposed use with the surrounding uses.

e. The consistency with adopted plans and policies including the general plan.

C.Special conditions:

Upon approval of a special exception permit, the City Commission may impose conditions that must be met by the applicant, but not limited to, as the followings:

- Increasing the minimum development standards;
- Limiting and controlling the dimensions, number, shape, and location of structures, including fences, signs, and buildings;
- Regulating the number and location of vehicular access points;
- Requiring the dedication of additional rights-of-way for public streets;
- Requiring the dedication of public use easements and the recording of the same;
- Regulating the design, manner, and timing of construction of any site improvements;
- Regulating the hours of operation of the proposed use;
- Providing for the maintenance or retention of any regulated site improvement;
- Requiring and designating the location and size of open space; and,
- Reclamation of any site after discontinuance of use or expiration or revocation of a permit.

D.Application

The applicant shall apply to the City Commission through the Chattanooga-Hamilton County Regional Planning Commission, following the same procedures and application requirements used for a rezoning request, including a public hearing before the Chattanooga-Hamilton County Regional Planning Commission, a recommendation by the Planning Commission to the City Commissioners, and a public hearing by the City Commission.

E.Effective Date

The City Commission's approval shall become effective on the date specified on the special exception permit amendment. No Building permit shall be issued prior to the effective date of approval. The Building permit shall be subject to all conditions and requirements stipulated by the City Commission.

F.Expiration

If the work described in any special exception permit has not begun within six (6) months from the date of issuance and completed within twenty four (24) months of the issuance, the special exception permit shall expire.

305.2 Commercial Communication Towers

A.Definitions:

(a) Antenna: An apparatus designed for telephonic, radio, television or other communications through the sending and or receiving of electromagnetic waves.

(b) Tower Height: The distance measured from the ground level to the highest point on the communication tower excluding antennae.

(c) Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting any telecommunication antenna, dish or transmitter.

B.Statement of Intent and Regulations:

This regulation is designed to provide a standard for reviewing and issuing permits for the sighting of communicational towers. It is intended to minimize negative impacts of cellular towers by requiring landscape screening and encouraging co-location and conceal devices.

The City Commission may issue special exception permits for communication towers if the tower will not devalue or otherwise injure adjacent property or constitute a safety hazard. In every situation the reviewing body must find that the proposed site plan and tower design meets or exceeds all Federal Communications Commission (FCC) and American National Standard Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity.

C.Requirements: All permits shall be issued subject to the following provisions:

1. Location and Setback:
   Towers shall be permitted in any zone subject to applicable provision of said zone. The tower shall also be set back at least the height of the tower plus ten (10) feet from any residential dwelling.
2. Co-location:
   (a) New communication towers permitted to be constructed must accommodate a minimum of three (3) primary cellular communication systems and must be made available for co-location to more than one (1) commercial communication company. In addition, the site size must be suitable to accommodate additional telecommunication equipment shelters, cabinets or additions to existing structures.
   (b) To further encourage co-location, additional users and associated equipment, which do not add to the tower height, may be added without additional approval. However, additional building code regulations may apply. All equipment buildings shall meet setback requirements.
3. Landscape Requirements:

(a) The visual impact of a tower on adjacent properties and streets shall be minimized to the extent practicable by utilizing existing topography, structures, and natural vegetation to screen the tower. For tower site not screened by existing structures or natural vegetation, it shall be landscaped with a ten (10) foot deep landscape yard with evergreen trees spaced a maximum of ten (10) feet apart on center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. All plantings shall meet the requirements contained in Chapter III, Section 306.

(b) A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.

(c) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the City Engineer or Building Official finds that they achieve reasonably equivalent screening as in subsection 306.07(a) herein.

(d) In commercial districts a sight-obscuring fence at least eight (8) feet in height and a minimum of seventy five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in subsection 306.05(a) herein.

(e) No screening shall be required if the bases of the communication tower site is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way.

(f) Site landscaping is not required for antennas which are being co-located on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.

(g) No screening shall be required when this screening is explicitly prohibited by Federal Communication Commission regulations or is otherwise restricted by site limitations.

D.Application:

The following information must be provided at the time of application for a special exception:

(a) A scaled site plan, landscape plan and a scaled elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.

(b) Name and address of the intended user(s) of the tower.

(c) Documentation provided by a registered engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users.

(d) Adequate documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation shall include the service area needs, propagation studies, tower height, maps, and letters from adjacent tower owners. Existing facilities shall include other towers, buildings, and other structures of suitable height.

(e) Documentation of the number of other users that can be accommodated within the design parameters of the tower as proposed. If the tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the tower with the required co-location capability. Application not fulfilling the co-location requirement is not eligible for administrative approval.

(f) A statement indicating the owner's commitment to allow feasible shared use of the tower within its design capacity for co-location.

(g) The names and addresses of all property owners within three hundred (300) feet of the site as measure from the property lines of the site upon which the tower is to be constructed to the nearest property line of any property within said distance.

E.Exemptions and Administratively Approved Sites: A special exception permit shall not be required under the following circumstances:

(a) Concealed Towers/Devices: Communication towers and associated equipment which are totally concealed within a building or structure so that they are architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale and design with the building or structure to which it is to be a part.

(b) Additions to Existing Structures In Commercial District:

(1) An antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures. This exemption excludes any residential structure.

(2) The addition of the antenna and any supporting structure shall not add more than twenty (20) feet to the existing structure.

(3) The setback requirements listed in section 305.03 shall not apply to the structure used to support or house the antenna.

(4) If the addition causes any significant change to the ground level view of the existing structure, in the discretion of the City Engineer or Building Official the landscape screening requirement may be applied.

(c) Existing Towers: Antennas, dishes, or similar equipment or additional users which do not add to the tower height, may be added to existing communication towers without obtaining a special exception permit, but shall be subject to all applicable zoning, setback, design, and building code regulations.

(d) Towers for amateur radio.

F.Removal of Abandoned Antennas and Towers:

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and shall be removed by the property owner. Owner shall be subject to the penalty provisions of Chapter I Section 107 of the Lakesite Zoning Ordinance, if failed to remove the abandoned tower within ninety (90) days after receipt of notice from the City of Lakesite.

305.3 Recreational Marinas

Five (5) copies of the Recreational Marina site plan must be submitted at the time of the application for a special exception permit. This site plan, in addition to the requirements specified in section 304 shall be drawn to a scale no smaller than one inch (1") = fifty feet (50') and include but not be limited to the following information:

- Location of all building(s) and explanations of their use.

- Location, type, and number of sanitary facilities as approved by the Chattanooga-Hamilton County Health Department or the Hamilton County Water and Wastewater Authority.

305.4 Recreational Vehicle Park

A. A permit may be granted to develop and operate a park for recreational vehicles under the conditions as listed below:

(a) Site Plan—in addition to information as required in section 304, the site shall be drawn to a scale no smaller than one inch (1") = fifty feet (50') and showing:

(1) Name of the actual or beneficial owner(s)

(2) Location of the tract

(3) Tract boundaries and acreage

(4) The number and general location of the trailer stands

(5) Recreational vehicle density and setbacks to the residential community

(6) Class of recreational vehicle to be accommodated

(7) Driveways, parking spaces, and sidewalks/footpaths

(8) Size and location of the nearest public waterline that is approved by the Tennessee Department of Environment and Conservation (if used)

(9) Type and location of sewage disposal facilities

(10) Rest rooms and shower facilities

(11) Landscaped area

(12) Recreation area

(b) Accessory Uses

(1) There may be one (1), but not more than one (1), small food market located on the recreation vehicle park site. It shall have no more than one thousand (1,000) square feet in floor area, and be in business to serve the transients of the park

(2) There may be one (1), but not more than one (1), structure containing a launderette. This building shall be located on the site and shall contain no more than six hundred (600) square feet in floor area. Such building shall be heated, lighted, sidewalled, and covered.

B. Landscaping: A greenbelt planting strip shall be located along the property lines of the recreation vehicle camp where the property abuts a residential district except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Refer to Section 306 Landscaping for specific requirements.

C. A recreational area composed of outdoor and/or indoor area totaling not less than one hundred (100) square feet for each space included within the park shall be developed and maintained by the management of the recreational vehicle park.

D. The recreational vehicle park shall be kept in good repair to insure that the park shall be a pleasant, safe and sanitary living environment for present and future inhabitants.

E. Location, type, and number of sanitary facilities as approved by the Chattanooga-Hamilton County Health Department or the Hamilton County Water and Wastewater Authority.

F. Temporary Use Permit: Each Recreational Vehicle owner is required to purchase a temporary use permit as provided herein. A temporary use permit is required each time the Recreational Vehicle is parked at the site. It is the responsibility of the camp owner to insure that the proper permits are obtained.

(1) Each Temporary Use Permit shall require a non-refundable fee of twenty-five dollars ($25.00).

(2) Electrical service to each Recreational Vehicle shall be provided by the owner of the Park by means of a permanent electrical source, independent of any Recreational Vehicle or other structure on the side that is designed and installed in compliance with all applicable electrical and building codes. In no case shall electricity be provided to the Recreational Vehicle by means of an extension cord or other temporary electrical line.

(3) Temporary Use Permits for Recreational Vehicle Parks shall not extend for a duration of greater than twenty-one (21) days. (Permits that do not extend to the maximum of twenty-one (21) days shall not be prorated at a reduced permit fee.)

(4) Continuance of a Recreational Vehicle in a Recreational Vehicle Park, beyond the expiration of the initial Temporary Use Permit, shall require issuance of a new Temporary Use Permit prior to the continuance of such use.

(5) A Temporary Use Permit shall not be renewed more than one (1) consecutive time for the same resident residing in the travel trailer *or the same RV/Trailer VIN Number.* No more than two (2) temporary use permits, whether renewed consecutively or with an interval between them, shall be granted for any twenty-four (24) month period, the twenty-four (24) month period to be measured from the first day of the issuance of the permit to the day before the two-year Anniversary of the initial issuance. For example, if the initial permit was issued on August 1, 2017, the twenty-four (24) month period in which only two (2) temporary use permits can be issued expires on July 31, 2019. (Ord #257, 3/20/2018)

305.5 Day Care Centers and Day Care Homes

A special exception permit may be granted in district where a permit is required, subject to:

(1) A site plan being submitted showing the location of the building, playground area, driveways, parking and loading areas, and other information, if requested.

(2) The approval by the Municipal Engineer of the points of ingress and egress, internal circulation, loading areas and on-site parking.

(3) The installation of a secured playground.

(4) The residential character of the neighborhood being maintained.

305.6 Adult Oriented Establishments as defined in Lakesite Municipal Code § 9-301.

A. Location Restrictions:
In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of a R-1 Single Family Residential Zone, R-2 Urban Residential Zone, R-3MD Medium Density Zone, R-3 Apartments and Townhouses Zone, R-5 Single wide trailers and trailer parks Zone, PRD Planned Residential Development Zone MXU Mixed Use Zone (Medium Density Mixed Use Suburban Development Zone) or within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care

center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above mentioned uses.

B. Evaluation:
For the purpose of enforcing the regulations of this action, it shall be the responsibility of the building inspector to evaluate and advise the Planning Commission and the Board of Commissioners regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.

C. Revocation and Hearing:
Regulation or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special exception permit after notice and hearing. Notice of the hearing before the Hamilton County Commission for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to applicant's last known address at least five (5) days prior to the date set for hearing.

SECTION 306 LANDSCAPE REQUIREMENTS

306.1 Purpose:

Lakesite's scenic landscapes are closely tied to our community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Lakesite's economy. The intent and purpose of the landscape requirements are the following:

- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To improve air quality and create shade for cooling;
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

306.2 Applicability

A. Landscape requirements shall apply to the following activities:
    - All new development and/or uses.
    - Change in use of fifty percent (50%) or more of the gross floor area (GFA).
    - All expansion which result in an increase of more than twenty-five percent (25%) of GFA or parking area.

B. Single family and two (2) family detached residential structures on their single lots are exempt from landscape requirements.

C. Additional landscape requirements may be required within certain zones or uses. Refer to those sections of the Zoning Ordinance.

306.3 Landscape Plan Submittal

The Landscape Plan must be submitted with the rezoning request, building permit and/or the preliminary site plan. The scale shall be at least one (1) inch equals forty (40) feet. The following elements shall be shown on the plan:

1. Existing and proposed contours at two (2) foot intervals or less;
2. Boundary lines and lot dimensions;
3. Date, graphic scale, north arrow, titles and name of owner, and the phone number of the persons or firm responsible for the landscape plan;
4. Location of all proposed/existing structures and storage areas;
5. Drainage features and one-hundred (100) year floodplain, if applicable;
6. Existing and proposed utility lines, and easements;
7. Existing trees or natural areas to be retained;
8. The location of all required landscaped areas;
9. Location, installation size, quantity, and scientific and common names of landscaping to be installed; and
10. The spacing between trees and shrubs used for screening.

306.4 Hardship

A. This Article does not intend to create undue hardship on affected properties. In consideration of modifications from the requirements of these regulations, the followings shall be considered:

1. Conditions which are unique to the applicant's land.
2. The manner in which strict application of the provisions of these regulations deprive the applicant of a reasonable use of the land in a manner equivalent to that permitted other landowners in the same zoning district.
3. The existence of unique conditions and circumstances that are not the result of actions of the applicant subsequent to the adoption of these regulations.
4. Whether the requested modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
5. Whether the applicant has provided for landscaping and buffering that achieves the spirit of these regulations.

B. Special Administrative Remedies

1. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special remedies:
   (a) an automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
   (b) a twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.
2. Lots that front on more than one (1) street have the following special exception:

All street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet.

3. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development, or a loss of greater than fifteen percent (15%) of the lot area, the following administrative remedies may be applied:

   (a) Reduce the required minimum landscaped area widths up to fifty percent (50%)

   (b) Reduce the tree planting requirements by up to twenty five percent (25%)

   (c) Administrative Remedy Guidelines

   - Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
   - The first priority is to provide trees along the street frontage.
   - The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
   - A screen should always be provided if it is required by this section. Where there are space limitations, reduce the landscape yard as necessary. If the planning area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite or masonry wall.
   - The building official or city manager may waive or substitute any landscaping requirement if existing vegetation and/or tree located on the same lot meet the intent of this landscape requirement.

306.5 Conflict

Where any requirement of this section conflicts with the requirement of another section or existing conditions in the Zoning Ordinance, the most restrictive requirement shall apply.

306.6 Street Yard Requirements

A. Intent
The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

B. Dimensions

1. Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.

2. The street yard shall have a minimum eight (8) feet as measured from the edge of the public right- of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

C. Plantings

1. Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty (30) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty (30) feet increments. Fractions of trees shall be rounded up to the nearest whole number.

2. The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (30) feet measured trunk to trunk.

3. The trees referred to in this section shall have a minimum expected maturity height of at least twenty (20) feet and a minimum expected canopy spread of ten (10) feet (see Plant Installation Specifications Section: Class II Shade Trees).

D. Existing Woodlands
Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

1. Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;

2. Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;

3. No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and

4. No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

E. Exemptions/Special Situations

1. Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:

(a) Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of way;

(b) If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections;

2. Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the Building Inspector can be used to meet the street yard requirements.

3. Where overhead power lines encroach into the street yard, Class II shade trees can be planted (see Plant Installations Specifications Section: Class II Shade Trees).

4. Stormwater facilities may be located within the street yard subject to the following conditions:

(a) No riprap, crushed stone, concrete, or other impervious materials are exposed; and

(b) Trees and other living organic materials can be planted along the stormwater facility.

5. With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.

F. No trees shall be located within the sight triangle as defined by the Zoning Ordinance.

306.7 Parking Lot Requirements:

A. Intent
The intent of this section is to break up the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.

B. Perimeter screening:

1. Any parking areas contained six (6) or more space shall meet the perimeter landscaping requirement.

2. A landscaped safety island not less than four (4) feet in width with shrubs and/or other landscape material such as berms, not exceed three (3) feet except at points of access shall be provided along street frontages or sidewalks. A durable bumper guard, approved by the Building Inspector, must be installed to prevent vehicles encroaching on the landscaped safety island.

3. Perimeter landscaping and buffer shall be provided in side and rear yards between residential and non-residential uses, and in side and rear yards between multi-family and single family uses. These perimeter landscape areas shall consist of earth mounds, decorative fences or masonry walls, vegetative screens or combinations of these sufficient to screen views of vehicular use areas.

C. Interior Landscape

1. Any parking areas with ten (10) or more parking spaces shall meet interior landscaping requirements.

2. No parking space can be more than fifty (50) feet from a tree.

3. A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten (10) contiguous parking spaces.

4. A landscaped peninsula shall border ends of perimeter bays.

5. Dimensions/Planting Criteria

(a) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet.

(b) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.

(c) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees). In the special situations specified below, smaller Class II Shade Trees may be substituted for Class I Shade Trees:

- An overhead obstacle such as a canopy or power line limits the tree height; or
- The tree is located within twenty (20) feet of a building.

D. All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.

306.8 Screening Requirements

A. Intent
The intent of the screening requirements is to provide a year-round visual obstruction and to protect property values. The screening provides transition between the proposed use and the adjacent

developments by requiring a landscaped yard of a minimum specified depth along all shared property lines planted to the specifications.

B. Screening Along Shared Property Line
Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided in this section.

Zoning Districts

Industrial	M-2
Commercial	C-1, MXU
Residential (High Density)	R-3 MD, R-3
Residential (Low Density)	R-1, R-2, R-5

		EXISTING			
		Industrial	Commercial	High Density Residential	Low Density Residential
PROPOSED	Industrial	X	C	A	A
	Commercial	C	X	A	A
	High Density Residential	A	A	X	C
	PRD	A	A	B	B

X = No screening or buffer required

Screening Type A: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

Screening Type B: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

(a) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows, spaced a maximum of seven (7) feet apart, of shrubs spaced a maximum of eight (8) feet on-center.

(b) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

C. Screening of Dumpsters, Mechanical Equipment and Open Storage Screening must be provided in the manner described below:

(a) Screening shall be a minimum height of eight (8) feet;

(b) All four (4) sides shall be screened;

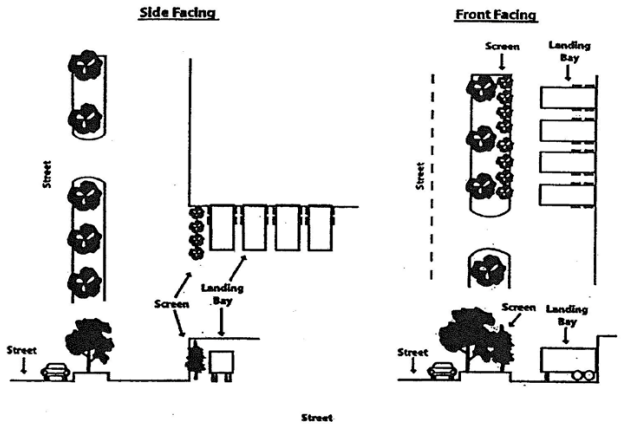
(c) If access is needed, the screen should incorporate access by using a wood fence or other opaque device to serve as a gate;

(d) Screening materials can be any combination of evergreen plantings, wood, or masonry material.

D. Loading Bay Screening
Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way as described in below:

1. One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center. (See Plant Installation Specifications Section for a list of recommended plantings);

2. Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen.



306.9 Utility Easement Policy

A. Intent
Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

B. Special Exceptions

(a) Written permission has been obtained from the holder of the utility easement.

(b) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.

C. If none of the special exceptions apply, the following options shall be considered in order of priority:

1. Priority #1: Plant the tree as close to the easement as possible.

2. Priority #2: For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

D. Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

306.10 Plant Installation Specifications

A. Intent
All landscaping material shall be installed in a professional manner, and according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plan survival and continued vigor.

B. Class I Shade Trees:
These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum caliper of two (2) inches as measured from two and one-half (2½) feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least thirty-five (35) feet and a minimum canopy spread of twenty (20) feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

Recommended Species	
Common Name	Scientific Name
River Birch	*Betula nigra*
Princeton American Elm	*Umlauts americana*
Allee Elm	*Ulmus parvifolia*
Athena Elm	*Ulmus parvifolia*
Drake Elm	*Ulmus parvifolia*
Ginkgo	*Ginkgo biloba* (male)
Golden Raintree	*Koelreuteria paniculata*
Black Gum	*Nyssa sylvatica*
Sweetgum	*Liquidambar styraciflua*
Seedless Honey Locust	*Gleditsia triacanthos* cultivars
American Hophornbeam	*Ostrya virginiana*
American Hornbeam	*Caprinus caroliniana*
Europian Hornbeam	*Carpinus betulus* and cultivars
Katsura Tree	*Cercidophyllum japonicam*
Littleleaf Linden	*Tilia cordata*
Silver Linden	*Tilia tomentosa*
Red Maple	*Acer rubrum* and cultivars
Southern Sugar Maple	*Acer barbatum*
Sugar Maple	*Acer saccharum* and cultivars
English Oak	*Quercus robur*

Northern Red Oak	*Quercus borealis*
Overcup Oak	*Quercus lyrata*
Pin Oak	*Quercus palustris*
Red Oak	*Quercus rubra*
Sawtooth Oak	*Quercus acutissima*
Scarlet Oak	*Quercus coccinea*
Shumard Oak	*Quercus shumardii*
Swamp White Oak	*Quercus bicolor*
Water Oak	*Quercus nigra*
White Oak	*Quercus alba*
Willow Oak	*Quercus phellos*
Aristocrat Pear	*Pyrus calleryana* 'Aristocrat'
Cleveland Select Pear	*Pyrus calleryana* 'Cleveland Select'
Chinese Pistache	*Pistacia chinensis*
Japanese Pogodatree	*Sophora japonica*
Dawn Redwood	*Metasequoia glyptostroboides*
Japanese Zelkova	*Zelkova serrata*
Yellowwood	*Cladrastis kentukea*

C. Class II Shade Trees:
These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1½) inches as measured at two and one-half (2½) feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.

Recommended Species	
Common Name	Scientific Name
Autumn Flowering Cherry	*Prunus subhirtella* var. autumnalis
Okame Cherry	*Prunus campanulata*
Yoshino Cherry	*Prunus yedoensis*
Crapemyrtle	*Lagerstroemia indica* cultivars
Flowering Dogwood	*Cornus florida* and cultivars
Kousa Dogwood	*Cornus kousa* and cultivars
Thornless Cockspur	*Crataegus crusgalli* var. Hawthorne inermis
Winter King Hawthorne	*Crataegus viridis* 'Winter King'
Sweetbay Magnolia	*Magnolia virginiana*
Amur Maple	*Acer ginnala*
Hedge Maple	*Acer campestre*
Trident Maple	*Acer buergeranum*
Golden Raintree	*Koelreuteria paniculata*
Redbud	*Cercis canadensis*
Serviceberry	*Amelanchier* species

D. Screening Trees:
Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum height of five (5) to (6) six feet and have a minimum expected mature spread of eight (8) feet.

Recommended Species	
Common Name	Scientific Name
Atlas Cedar	*Cedrus atlantica*
Deodar Cedar	*Cedrus deodara*
Eastern Red Cedar	*Juniperus virginiana*
Leyland Cypress	*Cupressocyparis leylandii*
Carolina Hemlock	*Tsuga caroliniana*
Canadian Hemlock	*Tsuga canadensis*
American Holly	*Ilex opaca*
Foster Holly	*Ilex attenuata* 'Fosteri'
Southern Magnolia	*Magnolia grandiflora*
Loblolly Pine	*Pinus taeda*
Virginia Pine	*Pinus virginiana*
White Pine	*Pinus strobus*

E. Screening Shrubs:
All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.

Recommended Species	
Common Name	Scientific Name
Burford Holly	*Ilex cornuta* 'Burfordii'
English Holly	*Ilex aquifolium*
Nellie R. Stevens Holly	*Ilex cornuta* 'Nellie Stevens'
Cherrylaurel	*Prunus caroliniana*
English Laurel	*Prunus laurocerasus*
Fragrant Olive	*Eleagnus pungens*
Leatherleaf Viburnum	*Viburnum rhytidophyllum*
Wax Myrtle	*Myrica cerifera*

G. Prohibited Plants:
The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

Kudzu Vine

Purple Loosestrife

Japanese Honeysuckle

Shrub Honeysuckle

Autumn Olive

Common Privet

Tree of Heaven

Lespedeza

Garlic Mustard

Paulownia

Multiflora Rose

Siberian Elm

Silver Poplar

Mimosa

Mulberry

Silver Maple

306.11 Maintenance:

Generally, the property owner, unless specified differently in the zone requirement, shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the owner with new plantings that meet the requirements of these regulations.

306.12 Certificate of Occupancy/Bonding

A. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:

   1. Property owner posts a performance bond or irrevocable letter of credit with the City Manager;

   2. The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape plan;

   3. The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).

B. After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within six (6) months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds applied to complete the landscaping work.

306.13 Definitions

Caliper : a measurement of the tree trunk diameter measured six (6) inches above grade level.

Class I Shade Trees : any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.

Class II Shade Trees : any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.

Gross Floor Area (GFA) : total interior space as defined by the International Code Council (ICC).

Impervious Surfaces : includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Bay : all parking bays that do not qualify as a perimeter bay.

Landscape Area/Landscaped Yard : an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped Island : a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula : a landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped Median : a landscaped area bordering two (2) adjoining parking bays.

Natural Buffer : an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

New Development : construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

Parking Space/Parking Bay : includes spaces and areas for all vehicles except tractor trailers.

Perimeter Bay : all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs : evergreen shrubs that maintain their foliage year-round.

Screening Trees : evergreen trees that maintain their foliage year-round.

Street Yard : a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

SECTION 307 PARKING AND LOADING REQUIREMENTS

(Ord. #205, 9/20/11)

307.1 Intent

The following standards are designed to meet the minimal, necessary off-street parking requirements for residential, institutional, office, commercial and industrial land uses within all zoning districts.

307.2 General Regulations

(1) No building or other structure shall hereafter be erected or altered to provide less off-street parking and loading space as required herein or permitted, or in any manner contrary to the provisions of the Ordinance except as approved utilizing a Shared Parking Plan or with a parking variance from the Lakesite City Commission for Variances and Special Permits.

(2) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purposes of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as provided through an approved Shared Parking Plan.

(3) All parking and loading spaces shall be subject to review, approval and enforcement by the City Engineer.

Table 307

Residential See Section 307.3, District Regulations, for specific zone parking requirements.
Single-family dwellings— 2 spaces for every dwelling unit. 3 spaces for units with four or more bedrooms.
Townhouses— 1 space for 1 bedroom dwelling units. 2 spaces for 2 or 3 bedroom dwelling units. 3 spaces for units with four or more bedrooms.
Duplexes— 1.5 spaces per dwelling unit. Units with two or more bedrooms shall have 2 spaces per dwelling unit.
Multi-family units— 1.25 spaces per dwelling unit. Units with two or more bedrooms shall have 1.75 spaces per dwelling unit.

Institutional	
Public buildings (including churches):	1 space per four seats in the main auditorium
Dormitories:	1 space per four beds
Hospitals and nursing homes:	1 space per three beds
Fraternity and Sorority Houses:	1 space per two lodgers
Day Care homes and centers:	
45 children and fewer	1 space per five students plus employee parking
Greater than 45 children	8 spaces plus one space for every 40 students plus employee parking
Stadiums and Sports Arenas:	1 space per eight seats or twelve feet of benches. For swimming pools, 1 space per 30 sq. ft. of water surface area.
Golf Course:	Per approval of City

	Traffic Engineer
All other uses:	5 spaces per 1,000 sq. ft. GLA

Office	
General office uses:	4 spaces/1,000 sq. ft. GLA
Medical offices:	5 spaces/1,000 sq. ft. GLA
Mixed office space:	Apportioned based on the percentage mix of office uses

Commercial, Office and Manufacturing Requirements:

The number of spaces provided shall not exceed the required number of spaces by more than fifty percent (50%).

Handicapped parking shall meet the current ADA standard.

Commercial	
Restaurants:	1 space per 75 sq. ft. GLA
Retail uses:	
Under 25,000 sq. ft.	4 spaces per 1,000 sq. ft. GLA
Over 25,000 sq. ft.	5 spaces per 1,000 sq. ft. GLA
Furniture and Appliance Sales:	2.5 spaces per 1,000 sq. ft. GLA
Funeral Homes, Theaters:	1 space per four seats in the main chapel or auditorium
Hotels and Motels:	1 space per unit or guest room plus 1 space for every innkeeper's dwelling
Boarding/Lodging Houses, Assisted	1 space per two units plus

Living, and Bed and Breakfasts:	employee/visitor parking
Automobile Repair Shops:	2 spaces per bay plus employee parking
All other uses:	5 spaces per 1,000 sq. ft. GLA

Industrial
1 auto parking space for every two workers on the combined two largest successive shifts
1 off-street loading space per 10,000 sq. ft. of floor space or fraction thereof used for industrial or commercial uses upon approval

Note: GLA = Gross Leasable Area: The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. GLA does not include public or common areas, such as utility rooms, stairwells, mall and so on.

307.3 District Regulations

(1) R-1 Residential Zone

For parking requirements refer to Table 307

(2) R-2 Residential Zone

For parking requirements refer to Table 307

(3) R- 3 Residential Zone

For parking requirements refer to Table 307

(4) R-3 MD Moderate Density Zone

For parking requirements refer to Table 307

(5) Planned Residential Development (PRD) Zone

(a) For parking requirements refer to Table 307

(b) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Residential Development.

(6) Mixed Use Zone (MXU)

For parking requirements refer to Table 307

(7) C-1 Commercial Zone

(a) Off-street parking and loading shall be provided on the same lot as or a lot adjacent to the building in accordance with the requirement in Table 307.

(b) Additional requirements:

(1) Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.

(2) There shall be one (1) loading space for every ten thousand (10,000) square feet of floor area used for commercial purposes. Such loading space shall be in accordance with the standards of and approved by the City Engineer. Off-street loading facilities shall be provided which do not require the use of required off- street parking space during hours when establishments in the zone are open for business.

(3) All off-street parking and loading space shall be subject to review and approval by the City Engineer prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.

(4) For business operations which involve a combination of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use and calculating the need based upon the specific parking requirements as set forth for the various uses in this section and elsewhere in this ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City Engineer prior to issuance of any building or occupancy permit.

(8) M-2 Light Industrial Zone

(a) Off-street parking and loading shall be provided on the same lot as or a lot adjacent to the building in accordance with the requirement in Table 307.

(b) Additional requirements:

(1) No parking or drives shall be permitted in required side yards joining a residential zone.

(2) Truck doors or loading docks fronting on a street shall be not less than 75 feet from said street.

307.4 Shared parking:

(1) Intent: The intent of this ordinance is to provide a method for providing shared parking facilities among diverse uses in order to reduce the amount of land dedicated to surface parking. The goal is promote efficiency in land usage and complementary forms of development.

(2) Definition: Shared Parking: Joint use of a parking area for more than one use and including valet and remote parking arrangements.

(3) Application: Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/season of the year. Shared parking is inherent in mixed- use developments that include one or more businesses that are complementary, ancillary, or support other activities such as church and retail shared parking. General off-site parking lots and valet parking are available for patrons of nearby land uses can also constitute shared parking. The standards in this

ordinance provide an opportunity for shared parking; however, parking requirements are very often unique to an individual land use and as a result, each site's proposed parking plan must be approved in advance by the City Engineer.

(a) In conjunction with the City Engineer, the applicant for shared parking will conduct a pre- survey meeting designed to review with the traffic engineer the shared parking standards and the applicant's proposed shared parking arrangement.

(b) No formal parking study shall be required for proposed developments under three thousand (3,000) sq. feet gross leasable area (GLA).

(c) For proposed developments over three thousand (3,000) sq. feet gross leasable area (GLA), the pre-survey meeting will help to determine the scope, method and engineering standards to be met in the parking study. In some specific cases, and with agreement of the City Traffic Engineer, a formal parking study maybe waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

(d) Applicants for a shared parking arrangement shall examine the feasibility of using shared parking arrangements by conducting a parking demand survey. Factors in this study include but are not limited to: operating hours, seasonal/daily peaks in parking demand, the site's size and orientation, location of access drives, accessibility to other nearby parking areas, pedestrian connections, availability of parking spaces, and duration of proposed agreements to share parking. A registered engineer must prepare this study.

(e) For all developments, up to twenty-five percent (25%) of the required parking spaces for a specific development may be incorporated into a shared parking plan.

(f) In no case shall the distance between the principal use and the property to be used as a shared parking site be greater than one thousand (1,000) linear feet except that in the situation where valet parking is provided, the distance may be greater.

(g) Based on the results of the shared parking study if required and upon approval by the City Engineer, the applicant shall furnish to the City Engineer a shared parking agreement stipulating the conditions as approved by the City Engineer. The original of this document is to be kept on file in the City of Lakesite Office.

(h) All the properties utilized as shared or valet parking including the donor and donee property shall be properly posted and identified as shared/valet parking.

(i) The appurtenant easement created by this agreement, must be recorded in the Register's Office of Hamilton County Tennessee and a copy of this document furnished to the Traffic Engineer's office for its records.

(4) Calculation of Parking Spaces Required with Shared Parking: The parking spaces required shall be based on the standards of the zoning ordinance for individual uses and the shared parking rates adjusted from the base-parking requirement. For those developments requiring a parking study, the minimum number of parking spaces for a specific use or mixed-use development as proposed shall be determined by the parking study furnished by the applicant following approved transportation engineering procedures and practices. Handicapped parking shall meet the current ADA standards.

(5) Shared Parking Plan: Based on calculations resulting from the parking study or determined in conjunction with the City Engineer, a shared parking plan shall be submitted to the City Engineer. This plan will portray the parking pattern and number of spaces, detail the access points and provide distance information to the land uses they will serve. For valet parking, this will include the operating

plan for the land uses being served, required employee parking and the area that is required for queuing vehicles being dropped off or picked up.

(6) Operating Plan and Agreement: Among Sharing Property Owners: If a privately owned parking facility is to serve two (2) or more separate properties either as shared or valet parking, a written agreement between property owners guaranteeing access to, use of, available time of use and management of designated spaces is required. The agreement will be reviewed and approved by the City Engineer and the City Attorney. A copy will be retained in the City of Lakesite Office and a copy recorded in the Hamilton County Registers Office as an appurtenant easement.

(7) Change of Land Use That Modifies The Parking Plan: In the event one or both land use types change and the parking characteristics of the site no longer are in conformance with the approved parking plan, a new parking plan must be developed in accordance with this ordinance.

(8) On-Street Parking: Public parking spaces along public rights-of-way may prove to be beneficial to a specific user but by its very nature it cannot be reserved for private use by a specific business. For purposes of meeting the on-site parking requirement, on-street parking is not counted toward the parking standard. The use of on-street parking may alleviate requirements for required parking for truck loading or passenger loading but will not be counted towards the overall parking space requirement for shared parking.

307.5 Off-street parking on lots in residential zones

Special permit may be obtained by filing an application with a parking plan and drawing to the City Engineer and approved by the Lakesite City Commission for off-street parking on lots in the R-1, R- 2, R-3MD, R-3 and R-5 Residential Zones when such lots are adjacent to the C-1, or M-2 Zones. Such plans shall also provide for the paving of all driveways and parking areas and adequate drainage of the lots.

CHAPTER IV ZONES

SECTION 401 R-1 RESIDENTIAL ZONE

401.1 Principal Uses Permitted:

(a) Single family dwelling

(b) Schools

(c) Parks, playgrounds and community buildings

(d) Golf courses, except driving ranges, miniature courses and Par 3 golf courses

(e) Fire stations and other public buildings

(f) Kindergartens operated by governmental units or religious organizations

(g) Accessory uses and buildings customarily incident and subordinate to the above

(h) Home occupations

401.2 Uses Permitted as Special Exceptions by the Commission :

(a) DELETED (Ord. #201, 5/17/11)

(b) Day care homes

401.3 Height and Area Regulations :

(a) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these height regulations provided that for every one foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.

(b) The minimum building site shall be fifteen thousand (15,000) square feet, and the minimum frontage of seventy five (75) feet.

(c) There shall be a front yard of not less than twenty five (25) feet.

(d) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet if at an intersection.

(e) There shall be a rear yard of not less than twenty-five (25) feet.

(f) The minimum lot depth shall be one hundred (100) feet.

401.4 Floor Area Regulations :

(a) If a house is one story, the dwelling unit must have at least one thousand six hundred (1,600) square feet.

(b) If a house is more than one story, the dwelling unit must have at least one thousand fifty (1,050) square feet on the first floor and a total of at least one thousand seven hundred fifty (1,750) square feet.

401.5 Off-Street Parking Regulations :

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

(c) Parking space for all other uses shall be in an amount satisfactory to the Building Official.

401.6 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 402 R-2 RESIDENTIAL ZONE

402.1 Principal Uses Permitted :

(a) Single family dwellings.

(b) Two family dwellings.

(c) Schools.

(d) Parks, playgrounds, and community buildings.

(e) Golf courses, except driving ranges, miniature courses and other similar commercial operations.

(f) Fire stations and other public buildings.

(g) Churches.

(h) Accessory uses and buildings.

(i) Kindergartens operated by governmental units or by religious organizations.

(j) Home occupations.

402.2 Uses Permitted as Special Exceptions by the Commission :

(a) Day care homes

(b) Deleted (Ord. #201, 5/17/11)

402.3 Height and Area Regulations :

(a) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

(b) The minimum building site area shall be fifteen thousand (15,000) square feet for a single family dwelling unit and eighteen thousand (18,000) square feet for a two-family dwelling unit. The minimum frontage shall be seventy five (75) feet.

(c) There shall be a front yard of not less than twenty five (25) feet.

(d) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet at an intersection.

(e) There shall be a rear yard of not less than twenty-five (25) feet.

(f) The minimum lot depth shall be one hundred (100) feet.

402.4 Floor Area Regulations :

(a) For a single-family structure, at least one thousand six hundred (1,600) square feet of floor area.

(b) For a single-family structure with more than one (1) story, the dwelling unit must have at least one thousand fifty (1,050) square feet on the first floor and a total of at least one thousand seven hundred fifty (1,750) square feet.

(c) For a duplex, at least two thousand four hundred (2,400) square feet of floor area per structure.

402.5 Off-Street Parking Regulations :

Parking requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

402.6 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 403 R-3MD MODERATE DENSITY APARTMENT TOWNHOUSE ZONE

403.1 Intent

It is the intent of the R-3MD MODERATE DENSITY APARTMENT-TOWNHOUSE ZONE to provide areas for development of residential units to include triplex and quadplex residential structures.

403.2 Principal Uses Permitted :

(a) Two, three, and four family dwellings, but not including mobile homes on individual lots.

(b) Public parks not commercially operated.

(c) Churches, schools, museums, libraries, art galleries and other cultural institutions, including convents, orphan asylums, or private or public penal, correctional or welfare institutions.

(d) Kindergartens operated by governmental agencies and religious organizations.

(e) Fire stations and other public buildings.

(f) Home occupations.

(g) Accessory uses and buildings.

403.3 Uses Permitted as Special Exceptions by the Commission :

(a) Storage garage.

(b) Public utility buildings and structures.

(c) Substations, water towers, booster pumping stations and telephone exchanges.

(d) Day care homes.

(e) DELETED (Ord. #201, 5/17/11)

(f) Boarding House.

403.4 Height and Area Regulations

(a) Each dwelling unit of a two, three, or four family structure shall be a minimum of 1,200 square feet.

(b) Except as provided in special exception permits, no building shall exceed thirty-five (35) feet in height.

(c) Minimum Lot Area, Depth, and Frontage

	Public Water Supply & Sanitary Sewers	Public Water Supply & Septic Tanks	Individual Wells & Septic Tanks
Two-Family Dwellings	12,000 sq. ft	18,000 sq. ft	28,000 sq. ft
Three-Family Dwellings	14,000 sq. ft	25,000 sq. ft	31,000 sq. ft

Four-Family Dwellings	16,000 sq. ft	30,000 sq. ft	34,000 sq. ft
The HEALTH DEPARTMENT may limit the number of units on any given lot due to soil conditions, topography, drainage, presence of swimming pool, etc. In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred (100) feet and a minimum frontage of seventy five (75) feet.			

(d) Percentage of Lot Occupancy
No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

(e) Front Yard
There shall be on each lot a front yard of a minimum depth of twenty five (25) feet.

(f) Side Yard
There shall be on each lot a side yard of a minimum depth of ten (10) feet.

(g) Rear Yard
There shall be a rear yard of a minimum depth of twenty-five (25) feet.

(h) Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as or a lot adjacent to the building accordance with the following requirements:

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord. #205, 9/20/11)

403.5 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 404 R-3 RESIDENTIAL ZONE

404.1 Principal Uses Permitted :

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Apartments.

(d) Schools.

(e) Parks, playgrounds and community buildings.

(f) Fire stations and other public buildings.

(g) Churches.

(h) Home occupations.

(i) Boarding and lodging houses.

(j) Accessory uses and buildings.

404.2 Uses Permitted as Special Exceptions by the Commission :

(a) Day care homes.

(b) Kindergartens operated by governmental units or by religious organizations.

(c) DELETED (Ord. #201, 5/17/11)

404.3 Height and Area Regulations :

(a) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these height requirements provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

(b) The minimum building site area for dwellings shall be one (1) lot or parcel of fifteen thousand (15,000) square feet plus two thousand (2,000) square feet of lot area for each additional unit.

(c) The minimum site area for lodging or rooming houses shall be eighteen thousand (18,000) square feet plus five hundred (500) square feet for each lodger in excess of two.

(d) The minimum site area for all other permitted uses shall be fifteen thousand (15,000) square feet.

(e) The minimum lot frontage shall be seventy five (75) feet.

(f) There shall be a front yard of not less than twenty five (25) feet.

(g) There shall be a side yard on each side of the building of not less than ten (10) feet, twenty-five (25) feet if at an intersection.

(h) There shall be a rear yard of not less than twenty-five (25) feet.

(i) The minimum lot depth shall be one hundred (100) feet.

404.4 Floor Area Regulations :

(a) For a single-family dwelling, each dwelling unit must have at least one thousand six hundred (1,600) square feet.

(b) For a single-family structure with more than one (1) story, the dwelling unit must have at least one thousand fifty (1,050) square feet on the first floor and a total of at least one thousand seven hundred fifty (1,750) square feet.

(c) For a duplex, at least two thousand four hundred (2,400) square feet of floor area per structure.

(d) For a multi-family dwelling, at least one thousand two hundred (1,200) square feet for each dwelling unit.

404.5 Off-Street Parking Regulations :

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord #205, 9/20/11)

404.6 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 405 R-5 RESIDENTIAL ZONE

405.1 Principal Uses Permitted

(a) Mobile homes (manufactured homes) shall be required to be placed on a permanent foundation and meet the requirements specified in the definition section of this ordinance.

(b) Single-family dwellings, including single wide mobile homes, double wide mobile homes, or modular units.

(c) Two-family dwellings.

(d) Schools.

(e) Parks, playgrounds, and community buildings.

(f) Fire stations and other public buildings.

(g) Churches.

(h) Home occupation.

(i) Accessory uses and buildings.

405.1[2] Uses Permitted as Special Exceptions by the Commission :

(a) Day care homes.

(b) Kindergartens operated by governmental units or by religious organizations.

(c) DELETED (Ord. #201, 5/17/11)

405.2 Height and Area Regulations

(a) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

(b) The minimum building site area shall be fifteen thousand (15,000) square feet for a single dwelling and eighteen thousand (18,000) square feet for a duplex. The minimum frontage shall be seventy five (75) feet.

(c) There shall be a front yard of not less than twenty five (25) feet.

(d) There shall be a side yard on each side of the building of not less than ten (10) feet, twenty-five (25) feet if at an intersection.

(e) There shall be a rear yard of not less than twenty-five (25) feet.

(f) The minimum lot depth shall be one hundred (100) feet.

405.3 Off-Street Parking Regulations :

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord. #205, 9/20/11)

405.4 General Provisions :

All mobile homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Building Official.

All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

No application for the R-5 Zone shall be accepted for an area greater than the minimum lot area requirement for the proposed number of mobile homes.

405.5 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 406 PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONE

406.1 Purpose

The purpose of the Planned Residential Development, sometimes hereinafter referred to as PRD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Residential Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

406.2 Permitted Uses in PRD :

(a) Detached single family units, except that mobile homes are not allowed.

(b) Townhouses, no more than 4 units attached together.

(c) Schools.

(d) Parks, playgrounds, and community buildings.

(e) Golf courses, except driving ranges, miniature courses, "Par 3" courses, and other similar operations.

(f) Accessory uses and buildings customarily incident and subordinate to the above.

406.3 Height and Area Regulations :

(a) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.

(b) The minimum development site for PRD shall be at least ten (10) acres.

(c) Average Lot Size. In order to increase project design flexibility and as long as the overall density requirements of the PRD are met, no average lot size or minimum lot size per dwelling unit is established, but may be required as a condition of approval.

(d) All buildings shall follow the Lakesite Building Code.

406.4 Off-Street Parking Regulations :

Parking Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements. (Ord. #205, 9/20/11)

406.5 General Provisions :

A PRD will be shown on the zoning map when the Final PRD Plan has been approved by the City Commission.

406.6 Development Standards and Site Improvements :

(a) All dedicated public streets shall be constructed in accordance with the Lakesite Roadway Regulations on rights-of-way having a minimum width of fifty (50) feet.

(b) All private streets are allowed by special exception permits issued by the City Commission only. Private streets must be constructed in accordance with the Lakesite Roadway Regulations and with a minimum width of fifty (50) feet.

(c) There shall be constructed concrete sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four (4) feet. Sidewalks or other internal paved areas shall be located within a public right-of-way.

(d) Storm drainage structures shall be constructed in accordance with plans and specifications approved by the Building Official.

(e) The development shall be tied into an existing public sewer.

(f) The development shall meet Hamilton County's Multi-jurisdictional Stormwater Program water quality requirements.

406.7 Computation of Density :

The maximum number of dwelling units in a PRD shall be computed by multiplying the gross acreage of usable land to be developed by 4.5. No more than fifty percent (50%) of the units should be attached units. For purposes of this section, usable land is defined as land that excludes the following:

- Easements
- Sinkholes
- Floodway
- Retention ponds
- Wetlands, bogs, marshes and land within a forty (40) foot wetland buffer area.
- Water bodies
- Slope:
  - 50% of land with slope 15%—19.9%,
  - 80% of land with [slope] 20%—29.9%,
  - 100% of land with slope 30% or greater.
- Other environmentally sensitive areas as deemed appropriate by the Building Official.

The above regulation defines the maximum density of the development. However, the City Commission might require a lower density as a condition of approval under the following situations:

(a) The proposed density will adversely affect the adjacent property;

(b) The proposed density is not compatible with the surrounding developments;

(c) The plan is not consistent with the intent and purpose of the regulations.

406.8 Open Space Requirements :

A minimum fifteen percent (15%) on-site open space is required which is calculated on the gross acreage of usable land. Such area shall be set aside permanently for open space or recreation purposes only. It shall be permanently protected from future development via a deed restriction or easements. It is intended to serve the residents of the PRD and should therefore be easily accessible to them. This space shall be maintained in common ownership, established in the appropriate legal manner.

Said open space shall be maintained in one of the following methods:

(a) by the developer or management authority of the PRD.

(b) by a Home Owner's Association established by deed restrictions.

No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:

(a) Common open space must be usable for recreational purposes and must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

(b) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space. Parking lots shall not be considered open space.

(c) The development phasing sequence of the proposal development must coordinate the improvement of the common open space; the construction of the buildings, structures and improvements in the common open space; and the construction of public improvements and the construction of residential dwellings, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

(d) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Lakesite Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Lakesite Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

406.9 Landscape requirements :

Refer to Chapter III, Section 306

406.10 Staging

Staging of development may be permitted subject to the approval of the entire development with all phases included.

406.11 Process

A.Pre-application Conference

Prior to filing an application for approval of a PRD, the applicant shall confer with the planning staff, the Stormwater staff, and the city staff concerning policy and procedure relative to the application. The purpose of the pre-application conferences is to discuss the overall concept of the proposal early and informally, before the applicant has made substantial financial commitments. Major problems may be identified and solved before formal application. Community goals, plans and regulations that might affect the proposal can also be identified and discussed. The applicant is encouraged to have a sketch plan for the pre-application conference. This is an opportunity for the Planning Staff, Stormwater staff and City Staff to provide informed feedback on the project.

A community or neighborhood public meeting organized by the applicant for the purpose of informing residents and property owners near the project site about the proposed development is encouraged.

B.Preliminary Planned Residential Development Plan

The developer shall submit a Preliminary Planned Residential Development Plan with the rezoning request application to the Chattanooga-Hamilton County Regional Planning Commission for its review and recommendation to the Lakesite City Commission. The Preliminary PRD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100'), and shall include:

(a) Date, graphic scale, north arrow, name of the proposed development;

(b) Full name and mailing address with zip codes and telephone number of the owner as well as the person or firm preparing the preliminary plan;

(c) The location, size, accessibility, and existing zoning of the proposed site;

(d) The boundary line of the proposed development drawn to scale and showing all bearings and distances, including existing road curve functions and dimensional data.

(e) Parcel number, including map sheet number and group identifier, for all parcels which are included in the proposed development. This is commonly referred to as the "Tax Map Number";

(f) The surrounding type of development, land use and zoning;

(g) The type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;

(h) Plan for streets, thoroughfares, public utilities, school, and other public or community uses;

(i) Natural contours at two (2) foot intervals or less (sea level elevations only) include any unique topography such as wetland, sinkholes and water bodies. The preliminary plan designer shall field check for accuracy of the contour lines if he/she has obtained the information from sources other than his/her own.

(j) Contour line or limit of 100-year flood and/or Floodway Zone (Valley Zone), if applicable.

(k) Drainage information:

1. Show the size, location, outline and direction of water flow at all high and low points of all existing and proposed drainage easements in and adjacent to the subdivision. Show the number of acres drained into the high point of the drainage easement.

2. Show size, location, number of acres drained, and direction of water flow in tiles (pipes) in and adjacent to the subdivision. (See Lakesite Subdivision Regulations Section 307.4.1 for determination of pipe size.)

3. Show location and label any other proposed drainage improvements such as catch basins, headwalls, rock and mortar or concrete drainage ditches, etc.

4. Show the location and label any proposed off-site drainage improvements which are made necessary by the construction of the proposed subdivision.

(l) Streets information:

1. The location, widths, and names of all existing, proposed, or recorded streets, public right-of-way, or access easements, etc., intersecting or paralleling the development, on or adjacent to the development

2. Proposed street names shall not duplicate or closely approximate, phonetically or in spelling, the name of any other street in Hamilton County. The change of a street name prefix (East, North) or suffix (Road, Lane, Circle) shall not be construed as a different street name.

3. The station numbers for all proposed streets. Station numbers shall begin at a known existing and reproducible street centerline.

4. Split Road Cross Sections — A typical cross section of all split roads in the subdivision shall be shown on the preliminary plat, if applicable.

(m) Utilities:

1. For all existing and proposed water lines, show size, location of lines, and outline and size of easements (if applicable) in and adjacent to the development.

2. Show location of existing wells, springs, or other natural sources of water supply within the development and within two hundred (200) feet of the boundaries of the development.

3. Show the location of all existing fire hydrants in and within five hundred (500) feet of the development.

4. For all existing and proposed gas lines and mains, show size, location, name of mains, and outline of easements (if applicable) in and within two hundred (200) feet of the boundaries of the development.

5. For all existing electrical and telephone easements, show size, location, name of major easements, and outline of easements in and within two hundred (200) feet of the boundaries of the development.

6. For all existing and proposed sanitary sewers and sewer easements, show sizes, locations, direction of flow, outlines of easements, manholes, and invert elevations in and within two hundred (200) feet of the boundaries of the development.

(n) If the development will be subdivided:

Lots drawn and numbered in a logical numerical order. Every parcel of land within the development shall have a lot number.

(o) Any additional information determined by the Planning Commission or the City Commission as necessary to adequately review the proposed development.

Statements to be included on the preliminary plan:

(a) Total acres of the development

(b) Number of proposed building Units: Single Family Unit and Townhouse

(c) Number of Community Lots

(d) Total Acres of Community Lots

(e) Proposed Density

(f) Present zoning of tract, and zoning applied for.

(g) Source of water supply. If public water supply is not available; state nearest location, size of line, utility company's name, and whether water supply will be from wells.

(h) Source of Topographic Quotation and natural features

1. If the topographic was obtained from a source other than an actual field survey, use the following quote:

   "Topographic and natural features were obtained from (source) and has been field verified to insure its accuracy."

   Examples of (source): Interpolated TVA quadrangle, Chattanooga quadrangle, Daisy quadrangle, etc.; aerial topographic map-Atlantic Aerial Survey; etc.

2. If the topographic and natural features were taken from an actual field survey, use the following quote:

   "Topographic and natural features were obtained from an actual field survey dated _____, conducted by _____. Elevations were determined from benchmark or monument located at _____, elevation _____."

(i) For the Community Lot(s) and the open space; note the following:

"No building permit is to be issued for a residential, commercial, or industrial building on the Community Lot and open space. Lots are used for recreational purposes only. Maintenance to be assumed by the developer until lot is deeded to home owners in the subdivision, or to a homeowners association."

(j) Special notations and information, if required.

The Planning Commission shall hold a public hearing on the proposed Preliminary PRD Plan. Notice and publication of such public hearings shall conform to the procedures used by the Chattanooga-Hamilton County Regional Planning Commission.

Upon the approval or disapproval by the Planning commission, the Preliminary PRD Plan shall be submitted to the City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PRD Plan, with specific reference to, but not limited to, the following conditions:

(1) The property adjacent to the area included in the plan will not be adversely affected.

(2) The plan is consistent with the intent and purpose of these Regulations to promote public health, safety, morals, and general welfare.

(3) That the buildings shall be used only for residential only and the usual accessory uses such as private or storage garages, storage space, and for community activities, including schools.

(4) There is a need for such development in the proposed location.

(5) There is reasonable assurance that development will proceed according to the approved PRD plan.

No Preliminary PRD Plan shall be approved by the City Commission, unless it is first submitted to and approved by the Chattanooga-Hamilton County Regional Planning Commission or if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Commission.

C.Final Planned Residential Development Plan

Approval of the Planned Residential Development Zone shall be conditioned to the approved final Planned Residential Development Plan. Upon approval, or approval with conditions, of the Preliminary PRD Plan by the City Commission, the applicant shall complete a Final PRD Plan for review by the Chattanooga-Hamilton County Regional Planning Agency (RPA). The Final PRD Plan shall substantially conform to the Preliminary PRD Plan and all the recommended changes and comments. When a Final PRD is approved, or approved with conditions, by the RPA, the RPA shall submit a resolution to the City Commission recommending that the Final Planned Residential Development be approved or approved with conditions. The Final PRD drawing, together with a list of any conditions not shown on the drawing, shall be attached to the RPA Resolution.

After notice and publication, the City Commission shall hold a public hearing to review the Final PRD Plan and take legislative action. The City Commission, by Resolution, may approve or approve with conditions, the Preliminary and Final PRD Plan. A copy of the Final PRD Plan drawing together with any conditions not shown on the drawing shall be attached to the resolution as exhibits.

The resolution by the City Commission approving the Preliminary and Final PRD Plan shall have attached thereto, as an exhibit, the official PRD Plan. The PRD Plan becomes a legal enforceable document after it is approved by the City Commission. The requirements of the PRD plan shall apply to the development site and shall not be nullified by transfer of land ownership.

The City Commission, by ordinance, might approved the PRD Zone and the approval shall be conditioned to the approved PRD Plan. A copy of the Final PRD Plan drawing together with any conditions not shown on the drawing and the resolution shall be attached to the ordinance of approving the PRD Zone and becomes a legal enforceable document.

If the proposed development will be subdivided, the final plan shall meet the requirements of Lakesite Subdivision Regulations.

406.12 Expiration of the Approval

Approval of the Preliminary PRD Plan shall expire twelve (12) months from the date after its approval by the City Commission if the Final PRD Plan has not been submitted to the Regional Planning Agency. Submittal of a Final PRD Plan shall constitute an automatic extension of the Preliminary PRD Plan; or if the Preliminary PRD Plan expires prior to submittal of a Final PRD Plan, the City Commission may grant an extension for an additional period not to exceed six (6) months upon condition that no major changes have been made to the Plan as originally approved, and provided that no other reason or circumstance, as determined by the Planning Agency staff, warrants resubmittal to the Planning Commission.

406.13 Changes and Modifications

All changes and modifications to the final PRD Plan after the zone has been approved shall be through a new petition of rezoning.

406.14 Issue of Building Permits

No building permits shall be issued until after approval of the Final PRD Plan. The building official shall revoke any permit issued in reliance upon said plan as finally approved at such time as it reasonably becomes obvious that such plan is not being complied with; and notice shall be given to the Planning Commission staff.

406.15 Reasons for Denial of a PRD Plan

The City Commission may deny the request of rezoning for PRD with specific reference to, but not limited to, the following conditions:

(a) Failure of the proposal to conform to the standards set out in these regulations;

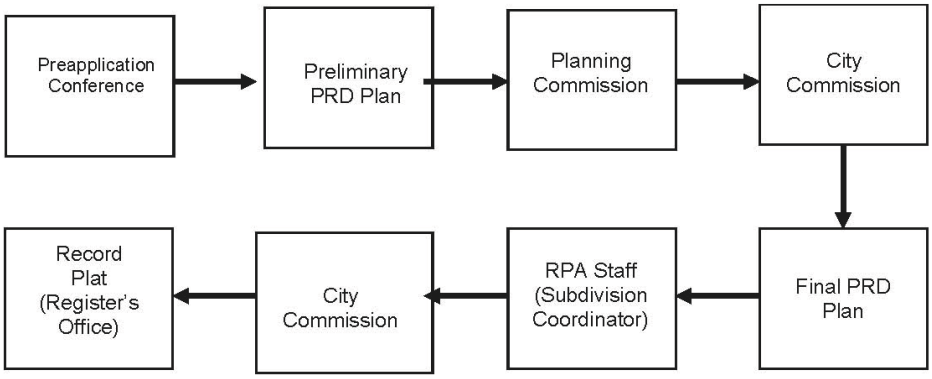
(b) Approval of the proposal would be detrimental to the public safety, health or general welfare,

(c) Approval of the proposal would not be in the best interest of the local government.

(d) There is a reasonable doubt that the development will not proceed according to the approved development plan.

(e) The proposal is not consistent with the intent of the zoning regulations.

(f) The proposal is not consistent with the adopted plans or policies including the general land use plan.



SECTION 407 MIXED USE ZONE (MXU)

407.1 Intent

The purpose of this zone is to allow medium intensity mixed-use suburban development that is compact, diverse, walkable, and urban in character and form. It encourages a market-driven alternative to conventional suburban development for sites that are neither appropriate for retail- only or residential-only use. The Mixed Use Zone introduces a focus on the form of development rather than just the uses. This makes it possible to create special destinations with a "sense of place."

407.2 Location

A. The MXU shall be located so that its primary access is via a minor arterial or greater as defined by the Functional Classification of Streets and Roads by the City of Lakesite.

B. The MXU shall be located primarily in suburban or urbanized rural areas served by sewers.

407.3 Area Requirements

Minimum Land Area: The minimum development site size for a MXU shall be ten (10) acres. Maximum Land Area: There shall be no maximum development site size for a MXU. Minimum Lot Size: The minimum lot size within the MXU shall be 2,500 square feet.

Maximum Building Footprint: The maximum building footprint within the MXU shall be 25,000 square feet.

Smaller parcels of land may be considered when site adjoins an existing Mixed Use Zone (MXU) and such site uses will be incorporated into the adjoining plan.

407.4 Permitted Uses

Residential: A residential component shall be required in the MXU (see Section 407.06 for specific requirements). The residential component may include, but is not limited to single-unit dwellings,

duplexes, townhouses, condominiums, apartments. The number of dwelling units on each lot shall be limited by the minimum parking space requirements.

Office: Office Building. The building area available for office use on each lot shall be limited by the minimum parking space requirements.

Limited Retail: Restaurants, Retail Buildings. The building area available for retail use shall be limited by the minimum parking space requirements. Retail shall be further limited to 35% of the total land area of the MXU site. Retail uses shall be sited away from existing off-site adjacent residential-zoned properties.

Limited Lodging: Hotels, Motels, Inns. Lodging shall only be permitted if it is determined to be compatible with existing surrounding uses as part of the review process. The number of guest rooms available on each lot shall be limited by the minimum parking space requirements. Lodging shall be further limited to fifty percent (50%) of the total land area of the MXU site. The combined total land area of lodging and retail shall not exceed fifty percent (50%) of the total land area of the MXU site.

Civic Spaces: Schools, Religious Facilities, Public Pavilions, Greens, Squares, Plazas, Parks, Playgrounds. A minimum of ten percent (10%) of the total land area of the MXU site shall be used for one or more of the public civic spaces as described in Section 407.07.

Mixed Use Buildings: Retail, Office, and Residential uses may be included with the same structure.

407.5 Prohibited Uses :

Manufacturing Facilities, Warehouses and Mini-Warehouses, Adult-Oriented Establishments, Vehicle Sales or Vehicle Repair Facilities, Fuel Service Stations, Commercial Communications Towers, Convenience Markets, Outdoor Commercial Storage, Outdoor Display or Sales. Signage- Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited

407.6 Residential

Required: A residential component shall be required in the MXU site. The residential component may include, but is not limited to single-unit dwellings, duplexes, townhouses, condominiums, apartments.

Density: The residential density shall be a minimum of 0.75 units per acre.

Unit Size: The residential unit size shall be a minimum of one thousand two hundred (1,200) square feet. Furthermore, every one thousand two hundred (1,200) square feet of residential square footage shall be considered as one (1) unit. For example, a two thousand four hundred (2,400) square foot dwelling would be considered as two (2) units.

Placement: Not less than fifty percent (50%) of the residential units shall be located above non-residential uses within the same structure. A different placement and percentage may be permitted or required as part of the review process.

407.7 Civic Spaces

A minimum of ten percent (10%) of the total land area of the MXU site shall be used for one or more of the following public civic space types:

Green: An open space, available for unstructured recreation. It shall be centrally located so as to function as an easily accessible public open space. A green is spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. It may also include a public pavilion. Easements for greenways and multi-use paths shall be credited toward the ten percent (10%) civic space requirement. Parking landscape islands are not given civic space credit.

Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, fountains, and trees, formally disposed. It may also include a public pavilion. Squares shall be located at the intersection of important thoroughfares.

Plaza: An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. It may also include a public pavilion. Trees are optional. Plazas shall be located at the intersection of important streets.

Playground: An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter or public pavilion. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

Walkways: Walkways with a minimum width of 5 feet are required that connects the civic spaces with a public right-of-way or other public access point if the civic space cannot be accessed from the required sidewalks.

407.8 Environmental Requirements

The alteration of the natural environment shall be subject to local, state, and federal guidelines.

Riparian: The riparian corridors of blue-line streams, as indicated on United States Geologic Survey (USGS) Quadrangle Maps, shall be a minimum of fifteen (15) feet in width on each side of the stream. The riparian corridors shall be maintained free of structures, except that thoroughfare crossings may be allowed. Streams may be moved only if approved by the Tennessee Department of Environment and Conservation.

Storm Water: Regional storm water detention facilities may be utilized if approved by the Hamilton County Water Quality staff. There shall be no retention or detention required on individual lots. Storm water retention and detention ponds and facilities may be placed within a "green" civic space and shall be credited toward the ten percent (10%) civic space requirement of the MXU if they are natural or constructed as Bioretention Cells, Grass Swales, or Filter Strips and approved by the water quality staff.

Trees: The MXU site shall provide a minimum of fifteen percent (15%) tree canopy coverage with either existing or planted trees calculated as a percentage of the total land area (including streets, buildings, etc.) of the MXU site. Planted tree canopy coverage is determined by an estimate of the tree's coverage at maturity. Trees necessary to meet the MXU landscape requirements can be credited toward meeting the required fifteen percent (15%) tree canopy requirement.

407.9 Parking Standards

Minimum Requirements: The standards for off-street parking and loading space requirements as described by the Building Official.

Reduced Parking: The minimum parking space requirements for non-residential uses may be reduced by as much as forty percent (40%) if approved by the City Engineer.

Shared Parking: Parking may be shared between differing uses if a suitable arrangement is approved by the City Engineer.

407.10 Public Frontages

The public frontage is the space between the edge of the right-of-way and the edge of the curb. It usually includes walkways, landscaping and lighting. This space shall be a minimum of twelve (12) feet from edge of the curb to the edge of the right-of-way.

Sidewalks: Sidewalks with a minimum width of six (6) feet are required within the public rights-of-way. New sidewalks shall connect to any existing sidewalks.

Trees: Trees shall be planted within the public right-of-way between the sidewalk and the curb either in a grass strip or in individual tree wells combined with pervious concrete or pavers with a minimum width of 2 feet. The minimum planting ratio is one (1) tree per thirty-five (35) linear feet of right-of-way frontage. The minimum spacing between trees shall be fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet. This provision only applies to new sidewalks constructed as part of the development unless permission is obtained from the proper authority to include trees within the right-of-way of an existing sidewalk.

Bicycles: a Class II on-street bike lane or Class III on-street bike route shall be constructed on any street if deemed necessary by the Regional Planning Agency staff for the uninterrupted continuation of an existing or planned bike facility of the same type as identified by the Chattanooga-Hamilton County Bicycle Master Plan.

407.11 Private Frontages

The private frontage is the space between the edge of the right-of-way and the principal building.

Walkways: A pedestrian connection shall be provided to existing or planned sidewalks within a public right-of-way from buildings with a front set back twenty-five (25) feet or more.

Trees: Trees shall be planted in a street yard, if determined to the satisfaction of the Building Official that trees cannot be planted within an existing or new public right-of-way between the sidewalk and travel lane.

The following items are provided as useful information. They may be used but are not requirements.

Porch & Fence : a frontage wherein the façade is set back from the frontage line with an attached porch permitted to encroaching. A fence at the frontage line maintains the demarcation of the yard. The porches are usually no less than eight (8) feet deep.

Terrace or Light Court : a frontage wherein the façade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from the urban sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.

Forecourt : a frontage wherein a portion of the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhand the sidewalks.

Stoop : a frontage wherein the façade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually and exterior stair and landing. This type is recommended for ground-floor residential use.

Shopfront and Awning: a frontage wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

Gallery : a frontage wherein the façade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery should be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within two (2) feet of the curb.

Arcade : a frontage wherein the façade is a colonnade that overlaps the sidewalk, while the façade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade should

be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within two (2) feet of the curb.

407.12 Vehicular Lanes

Public Streets - All public streets shall be constructed in accordance with plans and specifications furnished by the City Engineer on a dedicated right-of-way having a minimum width of forty (40) feet.

Projected design speeds can determine the dimensions of the vehicular lanes and turning radii assembled to create thoroughfares. Special requirements for truck and transit bus routes and truck loading shall be determined. The following items in the table below are provided as useful information. They may be used with approval from the City Engineer, but are not requirements.

DESIGN SPEED	TRAVEL LANE WIDTH
20—25 mph	9 feet
25—35 mph	10—11 feet
Above 35 mph	12 feet

DESIGN SPEED	PARKING LANE WIDTH
20—25 mph	(Angle) 18 feet
20—25 mph	(Parallel) 7 feet
25—35 mph	(Parallel) 8 feet
Above 35 mph	(Parallel) 9 feet

DESIGN SPEED	EFFECTIVE TURNING RADIUS
Below 20 mph	5—10 feet
20—25 mph	10—15 feet
25—35 mph	15—20 feet
Above 35 mph	20—30 feet

407.13 Building Setback

Building setback is measured from the property line.

Front: No minimum, twenty-five (25) feet maximum. However, if the building setback is twenty-five (25) feet or greater, the frontage line shall be defined with trees spaced no farther than twenty (20) feet apart or a low fence or wall with a minimum height of thirty-six (36) inches. Chain link fencing is not permitted along the frontage line.

Side: No minimum, except as determined necessary by Fire Code and Building Official. Rear: No minimum, except as determined necessary by Fire Code and Building Official.

Perimeter: The perimeter setback shall be no less than twenty-five (25) feet, except that a lesser setback is approved by the Building Official.

Attached Buildings: For attached fee-simple buildings there shall be no interior side yard requirement. Such buildings must meet all building code requirements for zero-lot line construction.

407.14 Building Height

Maximum: Five (5) stories or seventy (70) feet, including parapets. A building may exceed these requirements provided that the façade shall be set back a minimum of ten (10) feet for every grouping of one (1) to five (5) stories above the first five (5) stories; or for every foot of additional height over seventy (70) feet, the building shall be set back one (1) additional foot from the front property line.

Minimum: Two (2)stories or twenty (20) feet, including parapets.

407.15 Landscaping Requirements

Refer to Chapter III, Section 306.

407.16 General Requirements

(a) Underground Utilities: Utility transmission lines within the development shall be placed underground.

(b) Signage: Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.

(c) Lighting: Lighting shall be at an appropriate height, appropriate lumens, and directed away from any residential structure within or adjacent to the MXU site so as not to be intrusive or disruptive.

(d) Dumpsters: Dumpsters shall be located away from residential areas and shall limit the hours of pickup service from 8 a.m. to 6 p.m.

407.17 Development Plan

(a) A development plan shall be prepared by a licensed architect, landscape architect, or civil engineer.

(b) A vicinity map showing the location, existing zoning, and location of the perimeter boundaries of the land areas included in the application shall accompany the development plan.

(c) The development plan shall be drawn at a minimum scale of one (1) inch equals fifty (50) feet and shall graphically show the following:

(1) Existing surrounding development and land uses.

(2) Boundaries, dimensions, square footage, densities and locations of proposed buildings, parking areas and other improvements and facilities to be constructed within the development along with such other pertinent information.

(3) Proposed Uses: Each land use category (Open Residential, Limited Lodging, Open Office, Limited Retail, Civic Space) along with the percentage amount of the MXU site that each category covers.

(4) Location of street trees, landscaped buffers and other known tree areas with percentage of mature tree canopy coverage.

(5) Existing and proposed streets, thoroughfares, access drives, service drives, parking arrangements, pedestrian walks, cycle paths, intersections, safety areas.

(6) Retention ponds, detention ponds, and other storm water drainage facilities.

(7) Key environmental features such as topography, wetland, drainage pattern, any 100-year flood levels, streams and vegetation.

(d) Protective Covenants: All development plans shall include protective covenants for the planned development. These covenants shall indicate the use and design of structures in the planned complex

as well as establishing measures to protect occupants of the development from incompatible uses and structures and be recorded as part of the MXU.

(e) The requirements of the MXU development plan shall apply to the development site and shall not be nullified by transfer of land ownership.

(f) A traffic study may be required by the City Engineer. If necessary, it shall be submitted with the MXU Development Plan.

(g) If the proposed development will be subdivided, the final plan shall meet the requirements of Lakesite Subdivision Regulations.

407.18 Staging

Staging of development may be permitted subject to the approval of the entire development with all phases included.

407.19 Process

A. Prior to filing an application for approval of a MXU Development Plan, the applicant shall confer with the planning staff, the Water Quality staff, and the city staff concerning policy and procedure relative to the application. The purpose of the pre-application conferences is to discuss the overall concept of the proposal early and informally, before the applicant has made substantial financial commitments. Major problems may be identified and solved before formal application. Community goals, plans and regulations that might affect the proposal can also be identified and discussed. The applicant is encouraged to have a sketch plan for the pre-application conference. This is an opportunity for the Planning Staff, Stormwater staff and City Staff to provide informed feedback on the project.

B. A Mixed Use Zone Application and complete Development Plan shall be submitted at time of application to the Chattanooga-Hamilton County Regional Planning Agency for its review and recommendations to the Planning Commission and City Commission.

C. In addition to the development plan, other additional information may be required as determined necessary to adequately review the proposed development.

D. A community or neighborhood public meeting organized by the applicant for the purpose of informing residents and property owners near the project site about the proposed development is encouraged.

E. Approval of the Mixed Use Zone shall be subject to approval of Mixed Use Zone Development Plan.

F. No Mixed Use Zone Development Plan shall be approved by the City Commission unless it is first submitted to the Chattanooga-Hamilton County Regional Planning Commission and the Planning Commission.

G. Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the Mixed Use Zone Development Plan shall be submitted to the City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Mixed Use Zone Development Plan, with specific reference to, but not limited to, the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected;

2. The plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare.

3. There is a need for such development in the proposed location.

4. There is a reasonable assurance that development will proceed according to the approved development plan.

H. After notice and publication, the City Council shall hold a public hearing to review the Mixed Use Zone Application & Development Plan and take legislative action.

I. The City Commission, by Resolution, may approve or approve with conditions, the Mixed Use Zone Development Plan. A copy of the Final Mixed Use Zone Development Plan drawing together with any conditions not shown on the drawing shall be attached to the resolution as exhibits.

J. The City Commission, by ordinance, might approved the Mixed Use Zone and the approval shall be conditioned to the approved Mixed Use Zone Development Plan. A copy of the Final Mixed Use Zone Development Plan drawing together with any conditions not shown on the drawing and the resolution shall be attached to the ordinance of approving the Mixed Used Zone and becomes a legal enforceable document.

K. All traffic and road improvements as required by the City Traffic Engineer shall be complete before a certificate of occupancy is issued for the non-residential use structures.

407.20 Expiration of the Approval

If the work described in the Development Plan has not begun within six months from the date of approval or other time decided by the City Commission, and completed within twenty four (24) months of the issuance, the approval of the MXU zone shall be revoked. The applicant will be required to reapply and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application. The City Commission may grant an extension for an additional period not to exceed six (6) months upon condition that no changes have been made to the Plan as originally approved. The City Commission shall notify the RPA of the extension.

407.21 Changes and Modifications

All changes and modifications to the final Development Plan after the zone has been approved shall be through a new petition of rezoning.

407.22 Issue of Building Permits

No building permits shall be issued until after approval of the Final Development Plan. The building official shall revoke any permit issued in reliance upon said plan as finally approved at such time as it reasonably becomes obvious that such plan is not being complied with; and notice shall be given to the Planning Commission staff.

407.23 Definitions :

Bioretention cell is a multi-functional landscaped depression that uses plants and layers of soil, sand, and mulch to control runoff volume and timing, reduce the temperature of and remove pollutants from storm water before it enters local waterways. Bioretention cells can be incorporated into open space, roadway swales, and parking areas.

Components of a Typical Bioretention Cell including: (Source: Low-Impact Development Center) Grass buffer strips - reduce runoff velocity and filter particulate matter.

Gravel/sand bed - provides aeration and drainage of planting soil and assists in the flushing of pollutants from soil materials.

Ponding area - provides storage of excess runoff and facilitates the settling of particulates. Organic layer - filters pollutants and prevents soil erosion

Planting soil - provides area for storm water storage and nutrient uptake by plants.

Vegetation - removes water through evapotranspiration and pollutants through nutrient cycling.

Class II On-Street Bike Lane: Class II facilities include bicycle lanes and shouldered bikeways. A bicycle lane is a portion of the roadway separated from conventional travel lanes with a stripe, and designated for exclusive or preferential use by bicyclists. They are one-way facilities placed on both sides of a street in order to carry bicyclists in the same direction as motor vehicle traffic.

Class III On-Street Bike Route: Class III facilities include bicycle routes. On a bike route, bicyclists and motorists share the same travel lanes. Motorists will typically have to move into the adjacent lane in order to safely pass a bicyclist.

Filter Strip: A narrow band of vegetation used to filter storm water runoff either before it enters a storm water management device or another body of water. Filter strips can be incorporated into parking lots or along the edge of other paved surfaces and are most effective when used in combination with other storm water management techniques.

Grass Swales: Can be used as an alternative to curb and gutter systems and can often be effectively combined with bioretention cells.

Greenway: Simply stated, a greenway is a corridor of protected open space managed for conservation, recreation and non-motorized transportation. Greenways are corridors of land recognized for their ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams, or manmade, such as abandoned railroad beds and utility corridors. Greenways as vegetated buffers protect natural habitats, improve water quality and reduce the impacts of flooding in floodplain areas. Most greenways contain trails, which enhance existing recreational opportunities, provide routes for alternative transportation, and improve the overall quality of life in an area.

Land Area: Ground surface necessary for buildings, required parking, service drives and landscaped areas.

Multi-Use Path: The constructed path within a greenway. They do not allow motor vehicle traffic, but they do permit a range of non-motorized travel including bicycling, walking, running and in-line skating.

Pervious Surface: A surface that permits full or partial absorption of water into the ground.

Tree Canopy: The effective radial circumference area of a mature tree's vegetative cover, including all branches and leaves. The canopy can be conveyed in values of percentage area of total land space being assessed or by numerical measurement.

SECTION 408 C-1 COMMERCIAL ZONE

408.1 Principal Uses Permitted :

(a) Banks.

(b) Barber shops or beauty shops.

(c) Studios.

(d) Restaurants and other establishments serving food and beverages.

(e) Theaters.

(f) Shoe repair.

(g) Grocery stores.

(h) Florists.

(i) Schools, churches and other public and semi-public buildings.

(j) Plumbing workshops, electrical, radio and TV shops and other similar uses.

(k) Offices.

(l) Service Stations.

(m) Drug Stores.

(n) Gift shops.

(o) Apparel, fabric, and dry goods stores.

(p) Bakeries and delicatessens whose products are sold only at retail and on the premises.

(q) Professional, medical, dental, and psychological offices and Clinics and social agencies. (Ord. #195, 6/15/10)

408.2 Uses Permitted as Special Exceptions by the Commission :

(a) Laundromats.

(b) Miniature golf courses and similar outdoor amusement facilities.

(c) A residence for a watchman and family.

(d) Recreational Marinas, may include guest lodging as accessory use.

(e) Commercial Communications Towers.

(f) Recreational Vehicle Park.

(g) Package Liquor Stores.

(h) Adult oriented establishments as defined in Lakesite Municipal Code § 9-301.

(i) Hotels/Motels.

(j) Retail Sales and Service Establishments not listed in section 408.01 but which are similar in character, consistent with the land use plan and are compatible to the surrounding use.

(k) Day Care Centers. (Ord. #201, 5/17/11)

(l) Car lot (as defined in Section 200 of Definitions). (Ord. #204, 8/10/11) (Ord. #195, 6/15/10)

408.3 Height and Area Regulations :

(a) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone.

(b) There shall be a front yard of not less than twenty five (25) feet.

(c) There shall be a side yard of not less than ten (10) feet were permitted use adjoins a residential zone.

(d) There shall be a rear yard of not less than twenty-five (25) feet where the permitted use joins a residential zone.

408.4 Off-Street Parking and Loading Regulations :

Parking and Loading Requirement: reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

408.5 Landscape Requirements :

Refer to Chapter III, Section 306.

SECTION 409 M-2 LIGHT INDUSTRIAL ZONE

409.1 Principal Uses Permitted :

(a) Apparel and other finished fabric manufacturers

(b) Blueprint and related shops

(c) Cabinet making and woodworking shops

(d) Cold storage plants

(e) Contractor's offices and accessory storage uses

(f) Electrical machinery, tools, equipment, and supplies assembly

(g) Food and food products, packaging and distribution

(h) Furniture and household goods manufacture

(i) Gas metering and control stations

(j) Greenhouses (Wholesale only)

(k) Jewelry, silverware, and plated ware manufacture

(l) Laboratories: research, testing and medical

(m) Lumber yards

(n) Musical instruments and parts manufacture

(o) Photographic and optical goods production

(p) Printing and publishing services, except small commercial photocopy shops and other similar operations

(q) Professional, scientific and controlling instrument manufacture

(r) Re-packaging

(s) Steel and other fabrication and assembly, but not including the processing and/or refinement of elemental, raw materials into steel or other products

(t) Utility and public service uses

(u) Warehousing

(v) Wholesaling

(w) Wholesale produce markets

409.2 Uses Permitted as Special Exceptions by the Commission :

(a) Commercial Communications towers

(b) DELETED (Ord. #201, 5/17/11)

(c) Microwave stations, including towers

(d) Rug cleaning plants

(e) Textile production

409.3 Any use shall comply with all currently adopted codes of the City of Lakesite (Federal, State, or local) with regard to fire and explosive hazards, smoke, dust, fly ash, fumes, or odor.

409.4 Height and Area Regulations :

(a) No building shall exceed thirty-five (35) feet in height except that a building may exceed thirty-five (35) feet in height provided either that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines; or that if any point on the exterior surface of the building is above thirty-five (35) feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a horizontal distance equal to the height of such point above the ground.

(b) There is no minimum building site area.

(c) There shall be a front yard of not less than twenty-five (25) feet.

(d) There shall be a side yard of not less than twenty-five (25) feet where the side yard adjoins a residential zone.

(e) There shall be a rear yard of not less than twenty-five (25) feet where the rear yard adjoins a residential zone.

(f) No site shall be covered with building to an extent greater than fifty (50) percent of the area of said site.

(g) Other than as provided above, no other front, rear or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

409.5 General Provisions :

(a) No free-standing sign shall be permitted within twenty-five (25) feet of a residential zone.

(b) Signs illuminated by exposed tubes, bulbs or similar exposed light sources shall be prohibited.

(c) Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones.

(d) No storage shall be permitted in required front, side, or rear yards.

(e) Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone.

409.6 Landscape Requirements

Refer to Chapter III, Section 306.

409.7 Parking and Loading Requirement

Reference to CHAPTER III GENERAL REGULATIONS Section 307 Parking and Loading Requirements (Ord. #205, 9/20/11)

CHAPTER V FLOODPLAIN REGULATIONS

SECTION 501 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission does ordain as follows:

Findings of Fact

1. The City of Lakesite, Tennessee, wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Lakesite, Tennessee are subject to periodic inundation, primarily along the banks of the Tennessee River at or below the 690' elevation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Statement of Purpose

It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This regulation is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Objectives

The objectives of this regulation are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To **establish** eligibility for participation in the NFIP.

SECTION 502 DEFINITIONS

Unless specifically defined below, words or phrases used in this regulation shall be interpreted as to give them the meaning they have in common usage and to give this regulation its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this regulation, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this regulation or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood- related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "**Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this regulation which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this regulation.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or regulation adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or regulation adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood- related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Lakesite, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    a. By the approved Tennessee program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this regulation, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed on or after the effective date of this regulation or the effective date of the initial floodplain management regulation and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this regulation, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre- identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this regulation.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this regulation is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

SECTION 503 GENERAL PROVISIONS

Application

This regulation shall apply to all areas within the incorporated area of the City of Lakesite, Tennessee.

Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified in the City of Lakesite, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 3, 2016, and Flood Insurance Rate Map (FIRM), Community 470413, Panel Number(s) 47065C0235G and 47065C0255G, dated February 3, 2016, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Requirement for Development Permit

A development permit shall be required in conformity with this regulation prior to the commencement of any development activities.

Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations. In no case will a development permit be issued at or below the 690' elevation.

Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this regulation conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Interpretation

In the interpretation and application of this regulation, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the City of Lakesite, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

Penalties for Violation

Violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lakesite, Tennessee from taking such other lawful actions to prevent or remedy any violation.

SECTION 504 ADMINISTRATION

Designation of Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this regulation.

Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

    a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this regulation.

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this regulation.

c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 505.01 and 505.02.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop- work order for the project.

Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this regulation have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 504.02.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 504.02.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 504.02.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Lakesite, Tennessee FIRM meet the requirements of this regulation.
11. Maintain all records pertaining to the provisions of this regulation in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this regulation shall be maintained in a separate file or marked for expedited retrieval within combined files.

SECTION 505 PROVISIONS FOR FLOOD HAZARD REDUCTION

505.1 General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this regulation, shall meet the requirements of "new construction" as contained in this regulation;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this regulation, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 505.02;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

505.2Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 501.01, are required:

1. Residential Structures

   In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

   Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 504.02.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

   1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

   2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

   3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 505.02.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially

improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 502).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections 505-01 and 505.02.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than one hundred eighty (180) consecutive days. Consistent with Chapter III, Section 305.04 F, be on the site for fewer than one hundred eighty (180) consecutive days; (Ord. #257, 3/20/18)

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 505.05).

505.3 Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Section 503.02, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Lakesite, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 505.01 and 505.02.

505.4 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Section 503.02, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 505.02 and 505.02.

505.5 Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 503.02, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 505.01 and 505.02.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth

in Section 504.02. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 505.02.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Lakesite, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 505.01 and 505.02. Within approximate A Zones, require that those subsections of Section 505.02 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

505.6 Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Section 503.02, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 505.01 and 505.02, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 505.02.

2. All new construction and substantial improvements of non- residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 504.02.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

505.7 Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Section 503.02, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 504 and 505 shall apply.

505.8 Standards for Unmapped Streams

Located within the City of Lakesite, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 504 and 505.

SECTION 506 VARIANCE PROCEDURES

506.1 Board of Floodplain Review

1. Creation and Appointment

   A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

   Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

   An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this regulation. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars ($50.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty-five (35) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Floodplain Review shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this regulation.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The City of Lakesite**,** Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this regulation.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this regulation to preserve the historic character and design of the structure.

3) In passing upon such applications, the Board of Floodplain Review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulations, and:

a) The danger that materials may be swept onto other property to the injury of others;

b) The danger to life and property due to flooding or erosion;

c) The susceptibility of the proposed facility and its contents to flood damage;

d) The importance of the services provided by the proposed facility to the community;

e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

h) The safety of access to the property in times of flood for ordinary and emergency vehicles;

i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

4) Upon consideration of the factors listed above, and the purposes of this regulation, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this regulation.

5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

506.2 Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 506.01.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

SECTION 507 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man- made or natural causes. These regulations do not imply that land outside the areas of the special flood hazard or uses permitted within such areas will be free from flooding of flood damages. These regulations shall not create a liability on the part of the City of Lakesite, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

CHAPTER VI APPEALS AND VARIANCES

SECTION 601 CITY COMMISSION TO CONSIDER APPEALS FOR VARIANCES OR SPECIAL EXCEPTIONS

The City of Lakesite has not created a Board of Zoning Appeals as contemplated by T.C.A. § 13-7-205. Thus, the City Commission shall have the power to the following:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in the carrying out or enforcement of any provision of the Zoning Ordinance.

(2) Hear and decide, in accordance with the provisions of the Zoning Ordinance, requests for special exception permits or for interpretation of the zoning map or for decisions upon questions of lot lines or zoning boundary lines or similar questions as they arise in the administration of the Zoning Ordinance.

(3) Grant variances and adjustments in the area and building site regulations of this Zoning Ordinance in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship; but only in harmony with the spirit and intent of these regulations and in such a manner as to grant relief without substantial injury to the public interest and rights.

SECTION 602 CONDITIONS FOR DECISION

The variance shall be used only where necessary to overcome some obstacle which is preventing the use of property as the Zoning Ordinance intended. Ordinarily, Variances shall not be granted on lots subdivided after the effective date of this Ordinance. Before a variance or a special exception permit may be granted, the City Commission must find that the following conditions exist:

(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Zoning Ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the Zoning Ordinance.

(2) That the relief of the peculiar hardships practical difficulties or undue hardships would not establish substantial detriment to the public good or substantially impair the intent and purpose of the land use plan and Zoning Ordinance.

(3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.

(4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.

(5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relates only to the premises for the benefit of which the variance or special exception permit is sought and would not be generally applicable to other premises in the City of the personal conditions of the applicant.

(6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the City Commission may allow such addition or extension when said addition or extension would be no less conforming as to set back

distances than the existing structure or structures on the same or adjacent property. Provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the spirit and intent of the regulations.

No variance shall be granted unless after public hearing as provided for in this section and the Commission shall find that such variation will not :

(1) impair an adequate supply of light and air to adjacent property,

(2) increase the hazard from fire and other dangers to said property,

(3) diminish value of land and buildings throughout the surrounding area,

(4) increase the congestion or traffic hazards in the public streets or highway,

(5) impair the public health, safety, comfort, morals, and general welfare of the residents of City of Lakesite.

The City Commission may impose such conditions as will lessen any injury to the character of the District.

Any decision by the City Commission acting in this capacity will be made in writing with appropriate findings of fact should an aggrieved party seek review.

SECTION 603 APPLICATION AND PROCEDURE

The applicant shall submit the application to the City Manager or his designee and shall supply such information as the City Commission may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of one hundred dollars ($100.00), paid to the City of Lakesite to cover the City's cost of handling the application, no part of which fee is returnable.

Upon receipt of an application, the City Manager or his designee shall schedule a hearing. A notice of the public hearings shall be published in a daily newspaper at least seven (7) days before the hearing.

Persons objecting to the relief sought by the applicant, or interested in the review or determination made by the Commission may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objection shall be submitted to the Commission within the time provided in its rules of procedure.

The City Commission shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

SECTION 604 EXPIRATION

If the work described in any variance has not begun within six months from the date of issuance or other time decided by the City Commission, and completed within twenty four (24) months of the issuance, the variance shall expire. The applicant will be required to reapply for the variance and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.

SECTION 605 REVIEWS BY COURT

An appeal of any decision of the City Commission acting in this capacity may be made to a court of competent jurisdiction by any aggrieved, affected party within the time allowed by law.

LAKESITE SUBDIVISION REGULATIONS

Approved by the Planning Commission on September 13, 1999

Sections 201.3, 202.1, 204.2.1, 204.2.2, 204.2.3, 205.1, 205.2, 205.3, 206.3.1, 206.3.2, 206.3.3, 206.4.17, 207.1.1, 207.1.3, 207.1.3, 207.3.3, 207.3.6, 306.3, 401, 401.6.2, 401.15, 501, 501.6.1, 501.6.2, 501.9.3, 605.1, 608.1, 623.1, 626.1, Appendix 5 amended by Planning Commission on June 12, 2000

Sections 207.3.2, 207.3.4.1, 207.3.6, 206.4.13, 501.11, 627.2 amend. by Plann. Comm. on June 9, 2003

Sections 206.4.4, 207.3.1, 501, 501.2 amended by Planning Comm. on April 12, 2004

Section 105.2.1 amended by Planning Comm. on Aug. 14, 2006

Sections 206.4.18, 206.4.19, 307.8, 309 502.2 amended by Planning Comm. on March 12, 2007

Sections 204.1, 307.8, 307.9, 309, 309.1-309.3, 502.15, 502.17, 502.17.1—502.17.5, 627.3, 659.1, 659.2, 662.3 667.1 amended by Planning Comm. on September 14, 2009

Sections 202.4, 204.3, 205.4, 210, 211, 502.16 amended by Planning Comm on December 8, 2014

Chattanooga Hamilton County
REGIONAL PLANNING COMMISSION

ARTICLE 1 GENERAL PROVISIONS

101 TITLE

Regulations establishing the minimum requirements for the design standards of subdivisions; for the surveying and platting requirements thereof; providing for certain preliminary and final plat requirements, and for the submission, review, and approval of same; for the recording of the final plat; defining certain terms used herein; providing for the administration and enforcement and the penalties for violation thereof; providing for the means of adoption and amendment; repealing all subdivision regulations, resolutions, ordinances, and / or codes in conflict herewith.

101.1 Short Title

These regulations shall be known as the:

Subdivision Regulations of the City of Lakesite, Tennessee.

102 INTENT OF REGULATIONS

102.1 It is hereby declared to be the policy of the local government to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the local government pursuant to the General Plan of Hamilton County for the orderly, planned, efficient, and economical development of the local government.

102.2 Land to be subdivided should be of such character that it can be used safely for building or other purposes without danger to health or peril from fire, flood, or other menace.

102.3 The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, and the capital budget and program of the local government; and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, General Plan, and capital budget and program of the municipality.

103 PURPOSES

The regulations are adopted to provide for the harmonious development of the City of Lakesite; for the coordination of streets within the subdivided land with other existing or planned streets or with the state or regional plan or with the plans of municipalities in or near the region;

for adequate open spaces for traffic, light, air and recreation;

for the conservation of or production of adequate transportation, water, drainage, and sanitary facilities;

for the avoidance of population congestion;

for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage) transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services;

and for the requirements as to the extent to which and the manner in which streets shall be graded and improved and water and sewer and other utility mains, piping, connections or other facilities shall be installed or bonded as condition precedent to the approval of the plat.

104 AUTHORITY

The authority for these regulations has been established by virtue of the powers vested by the State of Tennessee in TCA Sections 13-3-401 through 13-3-411 and TCA Sections 13-4-301 through 13-4-309.

104.1 Approving Agency

In accordance with the provisions of TCA Sections 13-3-402 and 13-4-302[1] (Public Acts of Tennessee, 1935) as amended, the provisions of these regulations shall be administered by the CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION and the CITY MANAGER .

The Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for the subdivision of land within the limits of the city which show lots, blocks, or sites with or without new streets or highways.

104.2 Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid policy power delegated by the State to the Regional Planning Commission and to the Municipal Planning Commissions in TCA 13-3-402 and 13-4-302. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the local government therein and to the safety and general welfare of the future lot owners in the subdivision and the community at large.

105 JURISDICTION

105.1 These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the limits of the local governments listed in Section 101.1.

105.2 *"Subdivision' means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided."*

105.2.1 The regulations shall not apply to:[2]

(a) Any subdivision, the plat of which has been recorded prior to February 14, 1935, or

(b) The subdivision of land which will produce tracts of land, all of which are more than five (5) acres in size or are more than five (5) acres but less than ten (10) acres in size with depths no greater than four (4) times their widths when no street or utility is to be constructed.

(c) The moving of a lot line to add property to a contiguous parcel of land, so long as the area being transferred is not necessary to create a buildable lot and the legally required frontage of the remaining parcel is not reduced to a level below regulation requirements, shall not constitute a subdivision as defined by the Tennessee Annotated, therefore, a plat is not required.

[1]See TCA 13-4-301.

[2]See TCA 13-4-301 through 13-4-309.

106 INTERPRETATION, CONFLICT, AND SEPARABILITY

106.1 In their interpretation and application [1] the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

106.2 Conflict with Public and Private Provisions

106.2.1 Public Provisions

The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

106.2.2 Private Provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction.

106.3 Separability

If any part of provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

107 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, by lawful action of any local government, except as shall be expressly provided for in these regulations.

108 ENFORCEMENT, VIOLATIONS, AND PENALTIES

108.1 No plat of a subdivision of land lying within the limits of the local governments listed in Section 101.1 shall be filed for record, or recorded, until it shall have been approved by the Planning Commission, and such approval be endorsed in writing on the plat by the secretary of the Commission or his duly appointed representative.[3]

108.2 The County Register shall not receive, file, nor record a plat of a subdivision without the approval of the Planning Commission, and the County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.[4]

108.3 Any plat of a subdivision recorded by the County Register without the approval of the Planning Commission shall be void.

[3] TCA 13-4-302

[4] TCA 13-4-302

108.4 No changes, erasures, modifications, or revisions shall be made on any plat of a subdivision after the plat has been endorsed by the secretary of the Planning Commission or his duly appointed representative unless. said plat is first resubmitted to the Planning Commission.

108.5 Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the municipal planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality, through its solicitor or other official designated by its chief legislative body may enjoin such transfer or sale or agreement by action for injunction.[5]

109 AMENDMENTS

These regulations may be amended by the Chattanooga-Hamilton County Regional Planning Commission at a regular or called meeting. Before the adoption of any amendment, a public hearing shall be held by the Planning Commission, thirty (30) days' notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in Hamilton County.[6]

110 FEES FOR PROCESSING PLATS

The Planning Commission may require a fee for each subdivision plat submitted for review.

111 APPLICATION FOR VARIANCES[7]

The developer or surveyor or surveyor/engineer who wishes to request a variance from the requirements of these subdivision regulations shall submit a letter to the Chattanooga-Hamilton County Regional Planning Commission with his plat. The letter shall:

(a) state precisely the item(s) for which a variance is being requested; and

(b) state the practical difficulty or unnecessary hardship that would be caused by adhering to these regulations; and

(c) state the design alternative(s) that was considered to eliminate the need for the variance(s), and the reason(s) that the design alternative(s) is not practical; and

(d) state the detrimental effect to the subdivision or the community if the variance is not granted.

[5]TCA 13-4-306

[6]TCA 13-3-403 and 13-4-303

[7]The Planning Commission realizes that it cannot write regulations that would cover every conceivable circumstance that could arise in the development of a subdivision. There is a need to allow variances. However, the variances should not be granted just because the developer wants to do something contrary to the design standards established in these regulations. The procedures listed under Section 111 will help the Planning Commission to determine why a variance is necessary, what choices were considered to alleviate the need for the variance, and why the granting of the variance would not have a detrimental effect on the subdivision or the community.

111.1 Planning Commission Action on Variance Requests

In the Planning Commission's actions on subdivision plats, the Planning Commission shall approve, approve with modifications, defer, or disapprove the request for variances before acting on the individual plat. The Planning Commission may grant variances from these regulations in cases where the Planning Commission determines:

(a) that unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are adhered to; and

(b) that the granting of a variance will not be detrimental to the public interest; and

(c) that the variance will not be in conflict with the intent and purpose of these regulations.

111.2 Any variance that is granted, and the justification for granting the variance, shall be in writing in the minutes of the Planning Commission.

111.3 In the event that a variance is denied, the reason(s) for denial shall be stated in writing in the minutes of the Planning Commission.

112 APPEAL[8]

Any person, firm, or corporation who believes that he has been aggrieved by a decision of the Planning Commission in approving, denying, deferring, or granting a conditional approval of a plat may present their petition to a court of competent jurisdiction.

ARTICLE 2 SUBDIVISION PROCEDURE

201 GENERAL PRINCIPLES

Any person desiring to subdivide any lot, tract or parcel of land, or to change or rearrange any line dividing two or more lots, tracts or parcels of land within the corporate limits of the municipalities listed in Section 101.1 shall comply with the procedures established in these regulations; except for those cases exempted in Art. 1, Section 105.2.1.

201.1 The developer or surveyor or surveyor/engineer is urged to consult the Planning Commission staff in the earliest concept stages of development to get advice concerning zoning regulations, flood regulations, the General Plan, etc. affecting the site and subdivision procedures.

201.2 Soil Study

The Health Department may require a soil study for any subdivision that is not proposed to be connected to a sanitary sewer system. The developer or surveyor or surveyor/engineer should consult with the Health Department to determine if a soil survey is needed.

201.3 The developer or surveyor or surveyor/engineer is urged to consult with the Hamilton County GIS Department regarding proposed street names, plat drafting guidelines, electronic filing requirements, and other aspects of plat production. The GIS Department cannot and will not provide guidance of the nature provided by the Planning Commission or Health Department staffs.

[8] No action by any governmental agency should be final without some method of appeal being granted to anyone who feels that he has been aggrieved by a decision of that agency; therefore, the method of appeal is spelled out here.

202 MAJOR SUBDIVISIONS

202.1 Standard Procedure

The developer or surveyor or surveyor/engineer shall submit the required number of preliminary plats and final plats to the Hamilton County GIS Department staff along with the computer-aided drafting (CAD) file used to produce the plat. The deadline for the submittal of both the preliminary and the final plat is the 10th calendar day of the month for the plat to be acted upon by the Planning Commission at the next month's Planning Commission meeting. If the 10th day of the month falls on a weekend or holiday, the deadline is the next working day. The CAD file will be used only for the purpose of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered on a single 3.5-inch floppy disk formatted for use in computers utilizing the Microsoft Windows operating system. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required plat copies and electronic file will result in rejection of the filing. If the filing is rejected by the Hamilton County GIS Department staff as being incomplete, that agency, at its discretion, may either return the filing to the applicant without further review or forward it to the Planning Commission staff along with a note describing the deficiency. Only complete applications should normally be presented to the Planning Commission for approval or rejection; however, when it serves the public interest to present an incomplete application to the Planning Commission, this restriction may be waived at the discretion of the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff and returned to the applicant without further review, then there is no submittal of the plat under TCA 13-4-304. Since the plat is not considered to be submitted, the "30-day" deadline in TCA 13-4-304 does not apply.

202.2 Special Procedure

In special situations the developer or surveyor or surveyor/engineer may elect to submit the preliminary plat and the final plat simultaneously. The two plats may be approved simultaneously if the Health Department, the Governmental Engineer, the City Manager, the Planning Commission staff, and all other affected agencies and/or utilities have no objections. Generally, this procedure will apply only if:

(a) the soil survey (if required) has been submitted with the plat, and

(b) the streets (if any) have been rough graded.

Any developer proposing to use this Special Procedure should consult or have his surveyor or surveyor/engineer consult with the Planning Commission staff at an early stage.

202.3 Planning Commission Action

The Planning Commission will act to approve, deny, defer or conditionally approve the preliminary and final plats.

The developer and the subdivision surveyor or engineer/surveyor will be notified of the Planning Commission's action.

The Planning Commission cannot defer action on a subdivision unless the developer has agreed to such a deferral in writing.[9]

202.4 Effect of Approval of Preliminary Plat Approval and Vested Rights

[9] See TCA 13-4-304

Approval of the Preliminary Plat does not constitute approval of the subdivision, nor does it guarantee approval of the Final Plat. Approval of the Preliminary Plat indicates general approval of the arrangement of streets, lots, and drainage as a guide to the preparation of the Final Plat.

After the approval of the Preliminary Plat, and after consultation with the Governmental Engineer, or City Manager, the developer may start construction of the streets and other improvements.

Approval of Preliminary Plat as provided herein vests property rights as provided for a preliminary development plan as set forth in Tennessee Code Annotated Sections 13-3-413 and 13-4-310. Approval of Preliminary Plat shall become effective upon the date the Planning Commission votes to approve the Preliminary Plat.

(Replaced 12/8/14)

202.5 Reasons for Denial of a Plat

The Planning Commission may deny a plat for any of the following reasons:

(a) failure of the plat to conform to the standards set out in these regulations,

(b) approval of the plat would be detrimental to the public safety, health, or general welfare,

(c) approval of the plat would not be in the best interest of the local government.

203 SPECIAL REQUIREMENTS

203.1 Streets Graded and Staked

If the method of sewage disposal is septic tanks the streets in the subdivision shall be at least rough graded before the final plat is submitted. If the method of sewage disposal is sewers the Governmental Engineer, City Manager or Planning Commission may require that the new streets in the subdivision be rough graded.

The Governmental Engineer, City Manager or Planning Commission may require any new street to have off-set stakes with station numbers, or corner stakes with lot numbers on every-other lot corner on one side of the street.

See Section 403 for Street and Sewer Profile requirements.

203.2 Deed Restrictions, Protective Covenants and Home Owners Association

If applicable, the Planning Commission may require that one copy of deed restrictions, protective covenants, and/or the document setting up a home-owners association that the developer proposes to impose on the subdivision be filed with the final plat.

203.3 Geologic Survey

If applicable, the Planning Commission may require that a geologic survey be made of the subdivision and that the geologic survey be submitted to the Planning Commission staff before the Planning Commission proceeds with the review process.

204 ADMINISTRATIVELY APPROVED SUBDIVISIONS

204.1 Limits of Applicability

For a subdivision to qualify for an administrative review and approval, the following requirements must be met:

a. The subdivision must front on an existing accepted public street and must not require construction of any new public streets, except that subdivisions with three or less lots obtaining access by means of an easement may be administratively approved.

b. The subdivision must contain no adverse topography, drainage or soil conditions.

c. The subdivision must not require a variance from the adopted subdivision regulations of the community.

d. The staff shall have the right and responsibility to withhold administrative approval and refer plats to the attention of the Planning Commission in any situation where the various reviewing agencies, utilities, or other interested parties are in disagreement; or in cases involving unusual land features or patterns of development.

e. The proposed subdivision must not contain five or more contiguous flag lots to be platted by a single developer or his assigns.

f. The proposed subdivision must not contain ten (10) or more new lots. (added 9-14-2009)

204.2 Procedure for Administratively Approved Subdivisions

204.2.1 The plat is drawn to final plat standards and submitted to the Hamilton County GIS Department staff. There is no deadline for this kind of plat.

204.2.2 The applicant can submit a filing in several ways. Submit two (2) paper copies if the plat was not prepared using CAD and is otherwise not available in electronic form. If the plat was prepared using CAD of is otherwise available in electronic form, submit either the CAD file on an acceptable computer medium or as an attachment to an electronic mail note. The applicant may choose to submit two (2) paper copies of any plat, but these are not required with CAD submittals. A CAD file submittal will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disk formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required CAD file, delivery of fewer than two (2) paper copies if an electronic filing is not made, or delivery of unacceptable materials will result in rejection of the filing by the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff, then there is no submittal of the plat under TCA 13-4-304. Since the plat is not considered to be submitted, the "30-day" deadline in TCA 13-4-304 does not apply.

204.2.3 The Hamilton County GIS Department staff reviews the paper copies, CAD file, or electronic file, as appropriate, to ensure that all required elements are present and legible, that the plat and electronic files, if submitted jointly, are consistent, and that the location data are correct. Any deficiencies or concerns will be noted on a paper or electronic copy of the plat and will be forwarded to the Planning Agency staff. The Planning Agency staff reviews the submittal. If paper copies are submitted, one paper copy is returned to the developer, surveyor, or other appropriate person by the Planning Agency staff. Planning Agency staff response to plats submitted only by electronic means shall be electronically transmitted.

204.3 Vesting of Property Rights

Approval of an administratively approved subdivision as provided herein vests property rights as provided for a final development plan as set forth in Tennessee Code Annotated Section 13-3-413 and 13-4-310. Approval

date of administratively approved subdivision plats is the date of the last signature of approval required on the plat for recording.

(Added 12/8/14)

205 ADMINISTRATIVELY APPROVED SUBDIVISIONS WITH VARIANCES

205.1 The plat is drawn to final plat standards and submitted to the Hamilton County GIS Department staff by the 24th of a month for review at the next month's Planning Commission meeting. If the 24th falls on a weekend or a holiday, the deadline is the next working day. A variance request per Section 111 is submitted to the Planning Commission staff.

205.2 The applicant can submit a filing in several ways. Submit two (2) paper copies if the plat was not prepared using CAD and is otherwise not available in electronic form. If the plat was prepared using CAD or is otherwise available in electronic form, submit either the CAD file on an acceptable computer medium or as an attachment to an electronic mail note. The applicant may choose to submit two (2) paper copies of any plat, but these are not required with CAD submittals. A CAD file submittal will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disk formatted or an as electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required CAD file, delivery of fewer than two (2) paper copies if an electronic filing is not made, or delivery of unacceptable materials will result in rejection of the filing by the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff, then there is no submittal of the plat under TCA 13-3-404. Since the plat is not considered to be submitted, the "60-day" deadline in TCA 13-3-404 does not apply.

205.3 The Hamilton County GIS Department staff reviews the paper copies, CAD file, or electronic file, as appropriate, to ensure that all required elements are present and legible, that the plat and electronic files, if submitted jointly, are consistent, and that the location data are correct. Any deficiencies or concerns will be noted on a paper or electronic copy of the plat and will be forwarded to the Planning Agency staff. The Planning Agency staff reviews the submittal. If paper copies are submitted, one paper copy is returned to the developer, surveyor, or other appropriate person by the Planning Agency staff. Planning Agency staff response to plats submitted only by electronic means shall be electronically transmitted.

The Planning Commission will not defer a subdivision unless the developer has requested this in writing.[10]

205.4 Vesting of Property Rights

Approval of an administratively approved subdivision with variances as provided herein vests property rights as provided for a final development plan as set forth in Tennessee Code Annotated Section 13-3-413 and 13-4-310. No rights vest until a variance request is granted. Approval date of administratively approved subdivision plats is the date of the last signature of approval required on the plat for recording. (Added 12/8/14)

206 CORRECTIVE PLATS AND REVISED PLATS

206.1 Purpose

To facilitate the re-recording of existing plats with minor corrections or amendments.

[10] See TCA 13-4-304

206.2 Qualifications for Corrective Plat and Revised Plats

Minor Shifting of lot lines.

The addition or changing of easements.

Changes in notations on the original recorded plat.

Any other changes which will not increase the number of lots or their suitability for development.

206.3 Corrective Plat and Revised Plat Procedure

206.3.1 The plat is drawn to meet corrective and revised plat requirements stated below and submitted to the Hamilton County GIS Department staff. There is no deadline for this kind of plat.

206.3.2 The applicant can submit a filing in several ways. Submit two (2) paper copies if the plat was not prepared using CAD and is otherwise not available in electronic form. If the plat was prepared using CAD or is otherwise available in electronic form, submit either the CAD file on an acceptable computer medium or as an attachment to an electronic mail note. The applicant may choose to submit two (2) paper copies of any plat, but these are not required with CAD submittals. A CAD file submittal will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disk formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shapefile format. Failure to supply the required CAD file, delivery of fewer than two (2) paper copies if an electronic filing is not made, or delivery of unacceptable materials will result in rejection of the filing by the Hamilton County GIS Department staff. If the filing is rejected by the Hamilton County GIS Department staff, then there is no submittal of the plat under TCA 13-3-404. Since the plat is not considered to be submitted, the "30-day" deadline in TCA 13-3-404 does not apply.

206.3.3 The Hamilton County GIS Department staff reviews the paper copies, CAD file, or electronic file, as appropriate, to ensure that all required elements are present and legible, that the plat and electronic file, if submitted jointly, are consistent, and that the location data are correct. Any deficiencies or concerns will be noted on a paper or electronic copy of the plat and will be forwarded to the Planning Agency staff. The Planning Agency staff reviews the submittal. If paper copies are submitted, one paper copy is returned to the developer, surveyor, or other appropriate person by the Planning Agency staff. Planning Agency staff response to plats submitted only by electronic means shall be electronically transmitted.

206.4 Corrective Plat and Revised Plat Requirements

The following are the minimum requirements for a Corrective Plat and Revised Plat:

206.4.1 Subdivision Name that reflects the change, (e.g. Re-subdivision of Lots 25 through 29 and Lots 43 and 44, Highland Estates).

206.4.2 Purpose statement that tells exact purpose of the plat and/or change (e.g. Purpose of Plat: To abandon and show new property lines between lots 25 through 29, and to abandon the drainage easement and relocate it as shown in lots 43 and 44. See ROHC book ___, Page ___ for previous recording and for other notes and restrictions).

206.4.3 Vicinity Map

206.4.4 Certification of Ownership , address(es), telephone number(s) and signature(s) of all property owners involved.

206.4.5 Certification of Accuracy of Survey , seal, address and signature of plat surveyor.

206.4.6 Plat Labeled Corrective Plat or Revised Plat

206.4.7 The property lines of all adjoining property shall be shown with dashed lines. For adjoining subdivisions, show the full name of the subdivision, ROHC book and page numbers, and the lot numbers (dashed). For other adjoining property, show the owner(s) name(s); and the ROHC deed book and page number in which the property is recorded.

206.4.8 Dimensions , bearings, error of boundary closure, curve functions, source of water supply, utility easements, drainage easements, lot numbers, etc., if applicable.

206.4.9 Additional Information—(e.g. power, telephone, gas, water, environmental health service, etc.) may be required and/or approved prior to submittal of the "transparent plastic film" and/or recording.

206.4.10 Deed book and page number of the property subdivided.

206.4.11 Graphic Scale, North Point, Date.

206.4.12 Show the parcel number, including map sheet number and group identifier, for all parcels which are being subdivided or joined in the platted area. This is generally referred to as the "Tax Map Number."

206.4.13 Show the location of existing sanitary sewer lines on or adjacent to the site. If sanitary sewers are available to all lots note "Sewer Available." If the available sanitary sewers are provided by the Hamilton County Water and Wastewater Treatment Authority (HCWWTA) note: "Sewer Available by HCCWWTA."

206.4.14 Show a measured distance to a recognizable point such as a street intersection, landmark, survey monument, ground positioning system reference, etc.

206.4.15 Show any road intersection within 100 feet of the site.

206.4.16 Submit closure data on the boundary of the property being subdivided to the City Engineer's Office.

206.4.17 The Corrective or Revised Plat shall be drafted so that good, clear, legible prints, copies, or negatives can be made. Special attention should be given to the selection of patterned films that may interact with some reproduction methods. Dot patterns or dot shading should not be used on plats. The Hamilton County GIS Department staff may refuse to accept any plat that it deems illegible or likely to generate inadequate reproductions.

206.4.18 Show the individual areas of all lots.

206.4.19 Add the following note: "Local Government does not certify that utilities or utility connections are available."

207 TRANSPARENT COPY OF THE FINAL, CORRECTIVE, OR REVISED PLAT AND OTHER COPIES TO BE RECORDED

207.1 Requirement of Submittal

207.1.1 All plats shall have a minimum .004" thick transparent plastic film copy made by xerographic methods and printed in reverse on the back side of the material submitted to the Hamilton County GIS Department staff. Plats cannot be stamped unless this type of material is submitted.

207.1.2 In addition to the minimum .004" thick transparent plastic film copy made in the way specified in Section 207.1.1 above, the Registrar requires that there be at least three other copies with original signatures. One of these other copies can be on any transparent material and two can be black line paper or xerographic copies or all three other copies can be black line paper or xerographic copies.

207.1.3 In addition to the transparent plastic film copy and other copies to be recorded, all major subdivisions and any other plats developed using CAD are to submit a copy of the CAD file to the Hamilton County GIS Department. The CAD file will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disk formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shape file format.

207.2 Time of Submittal

The transparent plastic film copy and other copies to be recorded for a Subdivision or an Administratively Approved Subdivision with Variances are submitted after the Planning Commission has approved the final plat. The transparent plastic film copy and other copies to be recorded for an Administratively Approved Subdivision, a Corrective Flat or a Revised Flat are submitted at any time after the approvals and changes required by the Planning Commission staff have been done.

207.3 Procedure

207.3.1 In addition to the transparent plastic film copy and other copies to be recorded, all major subdivisions and any other plats developed using CAD are to submit a copy of the CAD file to the Hamilton County GIS Department. The CAD file will be used only for purposes of creating document images and updating official maps. The electronic file will be treated as a trade secret for purposes of protecting it from disclosure to competitors. It shall be delivered for use in computers utilizing the Microsoft Windows operating system on a single 3.5-inch floppy disk formatted or as an electronic mail attachment. Acceptable CAD file formats are AutoCAD version 12 or later, MicroStation 95, and ArcView shape file format.

207.3.2 The transparent plastic film copy and other copies to be recorded are circulated for signatures by the Health Department, if necessary, the City Engineer, and the Hamilton County Water and Wastewater Treatment Authority, if necessary, or their designated representatives.

207.3.3 Before the City Engineer or his designated representative can sign the transparent plastic film copy and other copies to be recorded, he or his designated representative shall determine that the improvements have been installed and accepted in accordance with the final plat and with the standards of the local government; or that an appropriate bond has been posted with the local government.

207.3.4 If all of the lots are served by existing, functioning public sanitary sewers or public sanitary sewers to be installed or bonded by the developer before the plat is recorded, the Health Department does not sign the copies to be recorded. If the above does not apply, the Health Department must sign the transparent plastic film copy and other copies to be recorded before they can be recorded. If the Health Department must sign the transparent plastic film copy and other copies to be recorded, then, before the Health Department can sign the transparent plastic film copy and other copies to be recorded, the Health Department Officer shall determine that all conditions necessary to protect the public health have been complied with, including, but not limited to, State Health Department Regulations and the Regulations of Hamilton County in relation to sanitary sewage disposal.

207.3.4.1 If available or bonded public sanitary sewers are provided by the Hamilton County Water and Wastewater Treatment Authority (HCWWTA), the plats shall be signed by a representative of the Hamilton County Water and Wastewater Treatment Authority (HCWWTA).

207.3.5 The transparent plastic film copy and other copies to be recorded are signed by the Secretary of the Planning Commission or his designated representative.

207.3.6 Before the Secretary of the Planning Commission or his designated representative can sign the transparent plastic film copy and other copies to be recorded, the Secretary or his designated representative shall determine that the transparent plastic film copy and other copies to be recorded have been duly signed by the Director of the GIS Department or his representative, the Health Officer, if necessary, the County Engineer or his designated representative, and a representative of the Hamilton County Water and Wastewater Treatment Authority (HCWWTA), if necessary, and that the transparent plastic film copy and other copies to be recorded are in substantial conformance with the approved corrective, revised or final plat.

207.3.7 The transparent plastic film copy and other copies to be recorded are taken to the Registrar's Office and recorded. The Registrar keeps the transparent plastic film copy and two paper copies and returns the other copy or copies.

207.3.8 The required number of additional paper copies (Presently this is five (5) copies, although this is subject to change) are made from the copy returned by the Registrar or other source and taken to the Planning Agency staff.

208 PERFORMANCE BONDS

208.1 If all of the improvements have not been installed or completed and the developer wishes to record the transparent plastic film, the City Manager or Governmental Engineer at his discretion, may waive the requirement that the developer complete and dedicate all public improvements prior to the signing of the plat, and require the developer to post a corporate surety bond, or a cash bond, or a cashier's check with the City Manager or Governmental Engineer in an amount as determined by the Governmental Engineer which will be sufficient to secure to the local government the satisfactory construction, installation, and dedication of the uncompleted portion of the required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations and on the plat. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the local government attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Manager or local Governmental Engineer and shall be incorporated in the bond, and shall not in any event exceed two (2) years from date of final plat approval by the Planning Commission.

Such bond shall be approved by the City Manager and Governmental Engineer as to amount and surety and conditions satisfactory to the City Manager and Governmental Engineer or City Manager may extend the completion date set forth in such bond for a maximum period of two (2) additional years.

The performance bond shall be released when the street(s) is accepted and when the other construction, installation and dedication is completed.

209 INSPECTION

209.1 The Governmental Engineer, or his designated representative, shall be responsible for inspecting roads, drainage structures, drainage ways or easements, etc., to assure proper completion and construction of all improvements in accordance with the plat and these regulations.

209.2 The Governmental Engineer may appoint such inspectors as he may desire. Inspection will be extended to all parts of the work and to the preparation and manufacture of the materials to be used. An inspector is placed on the work to keep the Governmental Engineer informed as to the progress of construction and the manner in which it is being done; also to call to the attention of the contractor any infringement upon the plans and specifications.

209.3 The inspectors will have authority to reject defective material and to suspend any construction that is being improperly done. The inspectors will not be authorized to revise, alter, enlarge or relax the provisions of these regulations, nor will they be authorized to approve or accept any portion of the completed work not in accordance with plans and specifications.

209.4 The Contractor may request written instructions from the Governmental Engineer upon any important items which lie within the inspectors' jurisdiction.

209.5 Where, in the opinion of the Governmental Engineer, or called for in the specifications, tests of material shall be made by and at the expense of the Contractor unless otherwise provided. Tests, unless otherwise specified, are to be made in accordance with the latest standard methods of the American Society for Testing Materials. The Contractor shall provide such facilities as the Governmental Engineer may require for collecting and forwarding samples, and shall not use the materials represented by the samples until tests have been made. The Contractor, in all cases, shall furnish the required samples without charge.

209.6 The Contractor shall furnish the Governmental Engineer with every reasonable facility for ascertaining whether or not the work as performed is in accordance with requirements and intent of the approved Subdivision plans. If required by the Governmental Engineer, the Contractor shall at any time before acceptance of the work, remove or uncover such portions of the finished work as may be directed for inspection. After inspection, the Contractor shall restore said portions of the work to the conditions required by the specifications. Any work done or materials used without suitable supervision or inspection by the Governmental Engineer (Inspector) may be ordered removed and replaced at the Contractor's expense. The Governmental Engineer shall inspect the work of the contractor as soon as practical after notice (written notice preferred) to the Governmental Engineer.

209.7 Work done without lines and grades having been given; work done beyond the lines or not in conformity with the grades shown on the plans or as given; work done without proper inspection will be done at the contractors risk and, at the Governmental Engineer's option, may be rejected. Upon failure by the contractor to satisfactorily repair or to remove and replace, if so directed, rejected or condemned work or materials immediately after receiving notice from the Governmental Engineer, the Governmental Engineer shall, after giving written notice to the contractor, have the authority to reject the work.

209.8 The Governmental Engineer shall make or cause to have made final inspection of all work in the contract or any portion thereof as soon as practicable after the work is completed and ready for acceptance. If the work is not acceptable to the Governmental Engineer at the time of final inspection, he shall inform the contractor as to the particular defects to be remedied before final acceptance can be made.

210 EFFECT OF APPROVAL AND RECORDING OF FINAL PLAT AND VESTED RIGHTS

Final approval, signing of the "Mylar," and recording of the plat in the Registrar's Office shall not be an acceptance by the public or City of Lakesite of the offer of dedication of any street, or other public way, or open space shown upon the Final Plat.[11]

[11] See TCA 13-4-305

The effect of recording of the plat is for recording purposes only. Recording enables the developer to sell lots subject to any conditions specified or referred to on the plat and subject to existing zoning, and subdivision regulations.

Approval of a final subdivision plat as provided herein vests property rights as provided for a final development plan as set forth in Tennessee Code Annotated Section 13-3-413 and 13-4-310. Approval of final plat shall become effective upon the date the Planning Commission votes to approve the final plat.

211 VESTING PERIODS AND EXPIRATION DATE OF PLAT APPROVALS

Preliminary Plat

A Preliminary Plat for a subdivision shall be vested for a period of three (3) years from the date of Planning Commission approval.

If all necessary permits are secured, site preparation commences, and Final Plat approval is obtained within the three (3) year vesting period following approval of the Preliminary Plat, then the vesting period shall be extended an additional two (2) years beyond the expiration of the initial three (3) year vesting period. During the two (2) year period the applicant shall commence construction and maintain any necessary permits to remain vested.

If all necessary permits are not secured, site preparation does not commence, and Final Plat approval is not obtained within the three (3) year vesting period from the approval date of the Planning Commission then the vesting period shall expire and Preliminary Plat approval expires three (3) years from approval by the Planning Commission.

Multi-Phase Developments

In the case of developments which proceed in two (2) or more sections or phases as described on the Preliminary Plat there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the Preliminary Plat for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development, provided the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the Preliminary Plat for the first section or phase, unless the City of Lakesite grants an extension, provided further that the applicant maintains any necessary permits during the fifteen (15) year period.

Final Plat

Approval of Final Plats shall expire after two (2) years from the date of approval by the Planning Commission.

(Added 12/8/14)

ARTICLE 3 DESIGN STANDARDS

301 GENERAL PRINCIPLES

301.1 Design with the land

Subdivisions should be planned to take advantage of the natural topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading, to minimize the destruction of top soil and trees, and to preserve such natural features as water course, unusual rock formations, large trees, sites of historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and community.

302 PUBLIC STREETS

302.1 Street Construction

Public streets shall be constructed in accordance with the typical cross section shown in Appendix 1.

302.1.1 Grading

Before grading is started, the areas between the proposed slopes shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable matter, and shall be grubbed to a depth below the proposed grade in cuts and the natural ground in fills so as to expose suitable subgrade. The objectionable matter shall be removed from within the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills, nor in any manner hinder proper operation of the storm drainage system.

All suitable material may be used in the construction of embankments or at any other place needed. If rock is encountered, it shall be removed to a depth of not less than 12" below the subgrade of the road bed. Where boulders are encountered, they shall be removed 6" below the proposed subgrade.

Prior to road construction, all underground work that is to be within the roadway shall be completed. This includes all drainage, sewerage, water, telephone, electrical, and other utility mains to the end that the completed roadway will not be disturbed for the installation of any utility main. All utilities under paved areas are to be backfilled with stone.

302.1.2 Subgrade

The subgrade shall be prepared to the lines and grades as designed and staked by the Subdivision surveyor or engineer/surveyor to correspond to the cross section of the bottom of the base as indicated on the typical cross section approved by the Governmental Engineer.

After the subgrade has been appropriately prepared and shaped, it shall be thoroughly rolled and then clipped with a grader until final lines and grades are obtained. Water shall be added to the subgrade if the material is dry and will not readily compact under the roller. All material so determined by the Governmental Engineer to be unacceptable and all soft yielding material that does not readily compact under the roller shall be removed. All holes or depressions caused by the removal of this material shall be replaced with suitable material and rolled under until compacted to the satisfaction of the Governmental Engineer. The subgrade shall be compacted to 95% standard proctor to conform with the accepted cross section and grade.

302.1.3 Embankments

Any street, upon which an embankment is to be constructed, having more than a 3 to 1 slope, shall be plowed or scarified completely and rolled thoroughly with a sheep-foot roller, if applicable. Each layer of embankment formation shall be compacted before the formation of the next layer is begun.

Each layer of embankment is to be constructed with a thickness not to exceed 8", and shall be compacted at optimum moisture content to 95% standard proctor.

If, in the event any section of embankment appears not satisfactory in respect to compaction, the developer or contractor will be required to have a compaction analysis performed by a recognized authority and the repair work carried out as directed by this analysis.

302.1.4 Base

Before the base operation is begun, the Governmental Engineer will make an inspection of the subgrade. Approval of the subgrade is required prior to the placing of any base material. The base shall be constructed of crushed stone 33 p (T.B.R.), or pug mill mix.

The crushed stone shall be applied at the rate of 110 pounds per square yard per inch of thickness. Compaction shall be attained with a pneumatic roller, sheep's-foot roller or other similar compacting equipment. The minimum thickness shall be 6" compacted, where, in the opinion of the Governmental Engineer, the subgrade is sufficient to use this amount.

Weight tickets shall be furnished to the Governmental Engineer. The crushed stone shall be placed with approved spreader box or approved method at the discretion of the Governmental Engineer. Then the stone shall be laid out to the lines and grades of the roadway and thoroughly rolled until a bond has formed and the excess moisture is gone. Alternate clipping with the grader and rolling shall be performed until true lines and grades are attained.

302.1.5 Prime

After the base course has been thoroughly compacted and worked to the lines and grades as shown on the typical cross section, it shall be dampened if necessary.

Prime alternates are as follows:

Type and Grade	Application Temperature
R. C. -1	90—110
R. C. -2	120—150
A. E. -1	100—125

The type and grade of prime material shall depend on the condition of the base course and shall be designated by the Governmental Engineer.

Rate of application shall be 0.25 to 0.35 gallons per square yard.

If RT-1 or -2 is used, there shall be a curing period before the surface treatment is begun. The length of curing period shall depend on the season of the year and weather conditions. The Governmental Engineer shall determine when the prime is cured and the surface treatment can be started.

Immediately after the prime material has been applied, mineral aggregate (size 15 or 16) shall be spread at the rate of 25 to 30 pounds per square yard. Then a steel wheel roller shall roll the aggregate into the prime material. Seasonal limitations on prime are from March 1 to December 1.

302.1.6 Surface

A minimum of six (6) inches thick asphaltic concrete pavement shall be applied over the prime.

A. The asphalt and mineral aggregate for the surface course shall be a minimum of two (2) inches in thickness (after compaction) and shall conform to the Tennessee Department of Highways Specification, Item 411E, Traffic Bound Surface Course.

B. The asphalt and mineral aggregate for the binder course shall be a minimum of four (4) inches in thickness (after compaction) and shall confirm to the Tennessee Department of Highways Specification, Item 307B, Binder Course.

302.1.7 Seasonal Limitations of Asphalt

The outside temperature away from artificial heat and in the shade shall be 40°F. and rising for plant mix. Plant mix road will be 220 pounds per square yard. Weight tickets shall be furnished to the Governmental Engineer.

302.1.8 Record Street Design

The developer or surveyor/engineer shall submit to the City Engineer's Office acceptable record street design plans including detailed design of entrance islands, right-of-way islands, split roads, cul-de-sac islands, drainage pipes and other drainage facilities in roads and curb to curb paving width. The City Engineer may require bond in an amount and form sufficient to complete these record plans if they have not been submitted and approved when the transparent plastic film copy and other copies of the final plat to be recorded are signed.

302.2 Street Classification, Right-of-Way Widths, and Pavement Width

302.2.1 Classification

Streets are classified as major streets, collector streets, local streets, short cul-de-sacs and split streets, (See Article 6, Definitions)

302.2.2 Right-of-Way

The right-of-way for a street is the area between facing lots and offered to the local government for use by the public.

302.2.3 Pavement Width

The pavement width shall be measured from the inside face of the curb to the inside face of the curb.

302.2.4 All streets proposed by the developer shall be built at least to the standards specified in the chart below.

Classification	Right-of-Way Width in Feet	Pavement Width in Feet
Principal Arterials	100	80 (two 33 foot roadways with six lanes of 11 feet, with a 14 foot median/turn lane)
Minor Arterials	80	58 (two 22 feet roadways with four lanes of 11 feet each with a 14 foot median/turn lane)
Collector Street	60	with no driveway - 30 with driveways on one side - 36 with driveways on both sides - 44
Local Streets	50	26
Short Cul-de-sacs	40	22
Split Streets	Varies	18 each level
(Sec. 660.9 App. A-1)	(60 min.)	

302.2.5 Cul-de-Sacs

302.2.5.1 Cul-de-Sac turnarounds (See App. 6)

Cul-de-sac turnarounds shall be designed and built according to at least the following standards:

Cul-de-sacs without a planted median:

Description	Right-of-Way radius in feet	Pavement radius in feet
Regular Cul-de-Sacs	50	40
Cul-de-Sacs where school buses must turn around	60	50
Short Cul-de-Sacs	40	30

302.2.5.2 Cul-de-sacs with a planted median :[12]

Description	Maximum radius for planted median in feet	Pavement width on all sides of median in feet	Width of ROW beyond edge of pavement in feet	ROW radius in feet
Regular Cul-de-Sacs	20	20	10	50
Cul-de-Sacs where school buses must turn around	22	28	10	60

302.2.5.3 If a cul-de-sac is of a temporary nature and a further extension into adjacent land (owned by the developer) is planned, then the roadway of the turnaround outside of the normal paving width may be gravel, and the property in the turnaround right-of-way outside of the normal right-of-way width shall be a temporary dedication to abutting property owners when the cul-de-sac is extended into the adjacent land and accepted by the local government. When the temporary cul-de-sac turn-around is extended, the developer shall repair any broken pavement, install the required curbs and gutters on the regular paving width of the street and restore the shoulder (front yard).

302.2.6 Widths of existing streets

On existing streets, property lines shall be located with iron pins at the corners of all lots, at least 25 feet from the center line of roadway unless the Governmental Engineer or City Manager permits a narrower right-of-way.

302.2.6.1 If the subdivision is located on both sides of the existing street, fifty (50) feet shall be dedicated and the drainage facilities in the street shall be improved to the point that the increased runoff water caused by the development of the subdivision will be accommodated to the satisfaction of the Governmental Engineer.

This dedication requirement may be waived by the Governmental Engineer or City Manager if he deems a narrower right-of-way to be acceptable by signing a "Transparent plastic film" showing such a narrower right-of-way.

302.2.6.2 If the subdivision is located on only one side of an existing street, twenty-five (25) feet measured from the center line of the existing right-of-way shall be dedicated and the drainage facilities in the street shall be improved to the point that the increased runoff water caused by the development of the subdivision will be accommodated to the satisfaction of the Governmental Engineer.

[12]The developer may be required to install facilities to reduce maintenance, at the discretion of the Governmental Engineer or City Manager.

This dedication may be waived by the Governmental Engineer or City Manager if he deems a narrower right-of-way to be acceptable by signing a "Transparent plastic film" showing such a narrower right-of-way.

302.3 Street Extensions

302.3.1 Extensions of Existing Platted Streets

The arrangements of streets in new subdivisions shall provide for the continuation of existing, proposed, or platted streets in adjoining areas, where feasible, as determined by the Planning Commission.

302.3.2 Future or Proposed Street Right-of-Way

Street right-of-way marked "future street," "future right-of-way," "proposed street," or "proposed right-of-way," etc., shall not be considered to be dedicated to the government. Ownership of these "right-of-way's" is retained by the developer. The developer of adjacent land who wishes to gain access through a future or proposed street shall negotiate to purchase the proposed street or right-of-way from the current property owner and shall construct said street.

302.3.3 Half Streets

Dedication of one-half (½) of the rights-of-way (half streets) for streets proposed along the boundaries of a subdivision shall be prohibited.

302.4 Curves and Sight Distances

302.4.1 Horizontal Curves

Where a deflection angle in the alignment of a road occurs, a curve shall be introduced. On major streets the center line radius of curvature shall not be less than seven-hundred (700) feet; on collector streets, not less than three-hundred (300) feet; and on local and short cul-de-sac streets, not less than one-hundred (100) feet.

302.4.2 Vertical Curves

Every change in grade shall be connected by a vertical curve. In general no sight distance of less than 200 ft. on vertical curves shall be allowed.

302.5 Street Intersections

302.5.1 Angle of Intersection

The center line of all streets shall intersect at as nearly a ninety-degree angle as possible, but the angle of intersection shall not be less than seventy-five (75) degrees nor greater than one hundred five (105) degrees, unless approved by the Planning Commission in accordance with the recommendation of the Governmental Engineer.

302.5.2 Centerline Offset of Adjacent Intersections

The use of four-way intersections of local streets with local streets shall be discouraged where possible, and the use of T-intersections shall be encouraged. Regardless of the type intersections employed, however, the centerlines shall be aligned (four-way intersection) or offset up to ten (10) feet or more than one hundred twenty-five (125) feet.

302.5.3 Corner Radii

Curb radii at street intersections shall not be less than fifteen (15) feet. Right-of-way radii at street intersections shall not be less than twenty-five (25) feet. If, because of exceptional conditions, a modification is granted permitting an angle of intersection, less or greater than the standards of Section 302.5.19 then the minimum radii shall be increased or decreased to afford good design and safety.

302.5.4 Grades Approaching Intersections

Street grades approaching intersections shall not exceed four (4) percent for a distance not less than that shown in the following table, measured from the edge of pavement of the intersecting street:

Types of Intersecting Streets	Distance in Feet
On local at local, includes all other street types not given below	30
On local at collector	35
On local at major	35
On collector at local	35
On collector at collector	60
On collector at major	60

302.5.5 Sight Distance at Intersections

In general, sight distances of less than 200 feet shall not be permitted at any street intersection including street intersections in the subdivision and the intersection of a subdivision street with any existing street.

302.6 Street Grades

In general, roads shall be planned to conform to existing topographic conditions. Grades on major roads shall not exceed 12 percent. Grades on other roads may exceed 12 percent for a distance up to 400'; but not over 15 percent. In extreme topographic conditions, grades above 15 percent may be allowed by the Planning Commission prior to construction. If necessary, a letter requesting road grade variances shall be submitted to the Planning Commission staff with the preliminary plat. The letter shall conform to the requirements for a variance letter listed in Article 1, Section 111.

302.7 Street Pattern

All subdivisions shall provide for convenient access and circulation. No lot in each unit or phase of a subdivision may be more than one-thousand three hundred (1300) feet from a potential school bus route[13] that does not require school buses to back up. This shall be accomplished by one or more of the following:

(a) looped street patterns

(b) turn-around designed for school buses at "midpoints" in long cul-de-sacs, or

(c) cul-de-sac turn-around designed for school buses.(see 302.3.5)

302.8 Street Names

[13]State law requires that school buses must come within 1/4 mile (1320') of the residence of every school child. Therefore, if a school bus cannot make a "loop" in its run through a subdivision, it must turn around somewhere. The "somewhere" must not be more than 1300 feet from any residence. The turn-around can be at the end of the cul-de-sac, or at some point not more than 1300 feet from the end.

302.8.1 Continuation of Streets

New streets that are in, or essentially in, alignment with an existing street shall be given the name of the existing street.

302.8.2 Duplication

The name of a new street shall not duplicate or approximate, by means of spelling, pronunciation, or by use of alternate suffixes or prefixes (such as North, South, Lane, Way, Drive, Court, Avenue, or Street) any existing or platted street name in Hamilton County.

302.8.3 Approval of Street Names

No street names shall be used unless approved by the Planning Commission.

302.9 Street Signs

Street and Name Signs must be of a type approved by the City Manager or Governmental Engineer, and signs shall be installed by the developer.

302.10 Curbs

302.10.1 Asphalt Curbs

Asphalt curbs are prohibited

302.10.2 Concrete Curbs

Concrete curbs shall be installed by the developer in accordance with the specifications in Appendix 2 or 3.

302.10.3 Back Fill

The developer shall have back fill on both sides of the street to the top of the curb.

302.10.4 The homebuilder shall be responsible for repair of any damage to streets, roads, gutters, curbs, and drainage easements to the satisfaction of the Governmental Engineer when the damage was caused during construction of the building.

302.11 Sidewalks and Pedestrian Ways

302.11.1 In residential and non-residential subdivisions, sidewalks or pedestrian ways are not required. In the event the developer desires to install sidewalks or pedestrian ways, they shall meet the following requirements:

302.11.2 In residential areas, sidewalks for pedestrian ways shall be Portland cement concrete, six (6) inches thick and four (4) feet wide.

302.11.3 In commercial areas, sidewalks shall be concrete, six (6) inches thick and six (6) feet wide.

303 REQUIRED ACCESS FOR ALL LOTS

303.1 Required Access for Residential Lots in Lakesite

All residential lots in the City of Lakesite must have frontage on an existing city accepted and publicly maintained street or road. Lots whose only access is a private road or easement are not permitted.

303.2 Required Access for Non-Residential Lots in Lakesite

All non-residential lots in the City of Lakesite must have frontage on a city accepted and maintained street except that the Planning Commission may permit, only with approval of the City Engineer or City Manager, any non-residential lot to obtain access by means of a private road or private easement.

304 REQUIRED FRONTAGE, DEPTH AND AREA FOR ALL LOTS

304.1 Lot Frontage for Residential Lots

Lot frontage on the street or private easement for residential lots shall conform to the Zoning Ordinance.

304.1.1 Lot frontage on cul-de-sac turn-around or short radius curves may be less than the lot frontage required above, provided that the lot has the required minimum lot frontage at (1) the rear of the required front yard, or (2) the building setback line as shown on the plat, or (3) in the case of a flag lot, the narrowest part not in that part that extends to the street.

304.1.2 The minimum lot frontage on the street or private drive or easement for a residential flag lot shall not be less than twenty-five (25) feet, (except the City Engineer, City Manager, or Planning Commission may allow the lot frontage on a street to be reduced to not less than fifteen (15) feet capable of being used for ingress and egress.

304.1.3 The City Manager, Governmental Engineer, or Planning Commission may require that residential corner lots have such extra width as will permit the establishment of a building line at the minimum distance specified by the zoning ordinance from the side street.

304.2 Lot Depth for Residential Lots

Lot depth for residential lots shall conform to the minimum standards required by the Zoning Ordinance.

304.3 Lot Area for Residential Lots

304.3.1 The minimum lot area for residential lots shall be as specified in the Zoning Ordinance.

304.3.2 The Health Department may require additional lot area for any residential lot which uses a septic tank and field lines for sewage disposal.

304.3.3 For lots served by septic tank systems, any area separated from the building site by a drainage easement, and the drainage easement, (except the standard five (5) foot drainage easements along the side and rear lot lines), shall not be included in the minimum lot area. Areas subject to flooding, or standing water during brief periods of high rainfall, or with seasonally high water tables, as determined from a soil survey, shall not be included in the minimum lot areas. This regulation may be varied by the Health Department.

304.4 Lot Frontage, Depth and Area for Non-residential Lots and Community Lots

There shall be no minimum lot frontage, depth or area for non-residential lots and community lots except as required by the Health Department, the City Manager, the Governmental Engineer, or the Zoning Ordinance.

304.5 Flag Lots

304.5.1 Purpose Statement

Flag lots are intended to be used for access to property which otherwise would prove unfeasible or impractical to access with a public road. Flag lots are intended to be used to preserve the natural features or to create more beautiful building sites. Use of flag lots is not intended to abrogate standard subdivision development when it is feasible to construct public roads.

304.5.2 Criteria for Platting Three or More Flag Lots on a Single Tract of Land :

A. Topographic considerations (e.g., steep terrain, slopes greater than 15 percent presence of sink holes or natural depressions, drainage reviews or water courses geologic features)

B. Irregular land configurations and ownership patterns

C. Limited public road frontage

D. Existing land use

E. Excessively deep lots

304.5.3 In proposed subdivision, the Planning Commission staff and Governmental Engineer shall determine the appropriateness of platting multiple flag lots based on the above criteria.

305 MISCELLANEOUS LOT REQUIREMENTS

305.1 Lot Lines

305.1.1 Generally, side lot lines should be straight and perpendicular to the street, or radial to street curves or the center of cul-de-sac turnarounds.

305.1.2 Side lot lines. may be at an angle to the street (more nearly parallel to the contour lines on steep land) to reduce driveway and lot grades.

305.1.3 Lot lines should follow drainage ways or easements (where practical) rather than leaving a portion of the lot separated from the main body of the lot by a drainage way or easement.

305.1.4 Corner radii at street intersections shall be twenty-five (25) feet, unless shown on the plat.

305.2 Flag Lots

Flag lots may be allowed by the Planning Commission in accordance with Section 304.1.1 and 304.1.2.

305.3 Building Setback Lines

All lots shall have a usable building site area exclusive of the building setback (yard areas) as required by the Zoning Ordinance, or as required by the Planning Commission and shown and labeled on the lots on the plat.

305.4 Reserve Strips and Remnants Prohibited

305.4.1 There shall be no reserve strips controlling access to streets or any parcel of land.

305.5.2 No remnants of property shall be left which do not conform to lot requirements, or which are not required for a private or public utility purpose, or which are not accepted by the local government and/or any other public body, or home owners' association for an appropriate use.

306 MONUMENTATION

306.1 All lot corners shall be marked with iron pins not less than one-half (½) inch in diameter and minimum of eighteen (18) inches long and driven so as to be flush with the finished grade.

306.2 All iron pins shall be permanently installed prior to the signing of the Transparent plastic film by the Governmental Engineer or City Manager. If pins are not installed prior to the time that the Transparent plastic film is ready for signing, the developer may post a bond with the Governmental Engineer in an amount sufficient to ensure that the monuments and pins can be installed.

306.3 For residential subdivisions with more than 25 lots and any development over 25 acres, at least two of the concrete monuments required under §306.1 shall be designated as control monuments and located with a ratio of precision of no less than 1:20,000 in Tennessee State Plane coordinates in the North American

Datum of 1983 (NAD83). The intent of these location coordinates is to position the subdivision on the surface of the Earth and the final plat on the official Hamilton County property maps. The monuments shall be separated by sufficient distance to allow them to locate the entire boundary properly.

307 DRAINAGE

307.1 Responsibility of the Governmental Engineer

The Governmental Engineer will determine if a subdivision meets the drainage provisions of these regulations.

307.2 General

The design of the storm water drainage system for the subdivision shall include the entire watershed affecting the subdivision, and shall be extended to a watercourse or ditch which is adequate to receive the drainage of surface water.

The developer may choose to accommodate any additional runoff or increased rate of runoff caused by this development by limiting the rate of runoff with ponding or other methods approved by the Governmental Engineer or by specified improvements to downstream off-site drainage ways, easements, or structures.

307.3 Responsibility for Construction

The developer of the subdivision shall be responsible for the construction of all improvements to the drainage system shown on the plat.

307.4 Design and Construction

307.4.1 The "Rational Method" shall be used for determining the amount of runoff from a drainage area. The "Manning Formula," or other method approved by the Governmental Engineer, shall be used to determine tile (pipe) sizes. A "five-year storm" shall be used with the above. See Appendix 4. The Governmental Engineer shall be consulted before any drains are installed to insure they will conform to the formula as to proper size.

307.4.2 Cross drains shall be built on straight line and grade and shall be laid on a firm compacted base. In the event rock is encountered in the trench, the rock shall be removed 4" below the grade and replaced with crushed rock or other suitable material approved by the Governmental Engineer.

307.4.3 In no case shall a cross drain be less than fifteen (15) inches in inside diameter. Pipe shall be laid with the spigot-end pointing downstream and with the ends fitted and matched to provide tight joints and a smooth uniform invert.

307.4.4 All cross drains shall have concrete headwalls. Wingwalls of a corresponding design shall be provided as needed, and directed by the Governmental Engineer.

307.4.5 When necessary for proper flow, inlet and outlet ditches shall be provided at drainage structures and drainage easements may be shown on side and rear lot lines.

307.4.6 Treatment of the inlet and outlet ditches and all drainage ways in the subdivision shall conform to the following tables unless rock and mortar or concrete lined and in all cases be constructed on a firm base.

SIZE OF NEAREST CULVERT		TREATMENT
Upstream	Seeded	Sod
15 in.	Grades 3-10%	Grades exceeding 10%
18-24"	Grades 1.5-7.0%	Grades exceeding 7.0%

30-36"	Grades 1.0-4.0%	Grades exceeding 4.0%
42-60"	Grades 2.5% or less	Grades exceeding 2.5%

307.4.7 Swales or ditch lines paralleling the roadway shall be graded a minimum of 1% where possible, in no case will grades of less than 0.5% be allowed. Where at all possible, main drainage ways shall be cut to the rear of lot lines and not carried down the roadway. This is to avoid having oversized side drains under driveways.

307.4.8 If a drainage pipe is under three feet in diameter, located in the ditch line, and more than 50 feet long, concrete or solid masonry catch basins with a 6" minimum wall thickness may be required at intervals of 50' except a greater run may be approved by the Governmental Engineer. The design of these catch basins shall be approved by the Governmental Engineer.

307.4.9 Where drainage structures with storm water flows in excess of the capacity of a 42" diameter concrete pipe or equivalent, as determined by Section 307.4.1, are to be placed, these facilities shall be designed and the plat stamped by a registered engineer licensed to practice in the State of Tennessee.

307.4.10 An H-20 highway loading shall be the minimum pipe structural requirement.

307.5 Storm Drainage in Streets

All streets shall be provided with an adequate storm drainage system, which shall serve as a part of the total storm drainage system. This system shall be designed to carry roadway, adjacent land, and building storm water drainage The system shall include any necessary open or covered ditches, pipes, culverts, intersectional drains, drop inlets, catch basins, bridges, head walls, etc., to permit the proper drainage of all surface water. This system shall be used for storm drainage only. Where there are long grades on the street, catch basins and relief pipes shall be placed. The maximum interval for relief pipes shall be 500' unless the Governmental Engineer determines that a longer interval is consistent with accepted engineering practices. If he deems necessary the Governmental Engineer or City Manager may require that ditches in the road right-of-way paralleling the road shall be eliminated by replacing them with covered pipes of adequate size. All open ditches in the road right-of-way paralleling the road shall be lined with rock and mortar, concrete, or equal unless this is deemed unnecessary by the Governmental Engineer.

307.6 Off-Street Storm Drainage Systems

When the drainage system is outside of the road right-of-way, the subdivider shall provide and prepare a drainage easement according to accepted engineering practices.

307.6.1 The size and location of all off-street watercourses and/or ditches running through the subdivision shall be enclosed, or left open, in accordance with considerations for public safety and accepted engineering practices.

307.6.2 The developer shall protect all drainage ways from erosion and sedimentation. Swales shall be seeded or sodded. The City Engineer or City Manager may require that any open ditch or channel be lined with rock and mortar, concrete or other acceptable material. Open ditches or channels with grades of less than one (1) percent or more than six (6) percent shall be lined with rock and mortar, concrete or equal unless this is deemed unnecessary by the Governmental Engineer.

307.7 Materials Specifications

Material specifications for all drainage projects shall be in compliance with the specifications of the Governmental Engineer.

307.8 N.P.D.E.S. Permit

For their own information, developers should note that Federal regulations require an N.P.D.E.S. (National Pollutant Discharge Elimination System) Permit for subdivision development anywhere in the United States that involves one acre or more or development that is less than one acre if it is part of a larger common plan of development. This permit is obtained from the State of Tennessee and is enforced by the State. (Amended 9-14-2009)

307.9 Local Permits

A development that involves one acre or more or development that is less than one acre if it is part of a larger common plan of development requires permits from the Hamilton County Water Quality Program. (Added 9-14-2009)

308 EASEMENTS

308.1 The Planning Commission may require utility easements. Generally, the Planning Commission staff will consult local utilities before requiring utility easements.

308.2 Drainage Easements

A five (5) foot drainage easement, unless a wider or narrower easement is specifically required, shall be reserved along the inside of all side and rear lot lines, except that a ten (10) foot drainage easement shall be reserved along the lot lines that are the exterior boundaries of the subdivision plat.

In the event that two or more lots are combined or used as one lot, the drainage easements adjacent to the interior lot line(s) are considered to be eliminated, unless the drainage easement is shown on the plat.

The drainage easement shall not apply in cases where the zoning regulations do not require setbacks from the property lines.

308.3 Drainage easements shall be maintained by the developer until sold and from that time on maintained by the property owner.

308.4 Other Easements

The Planning Commission may require other easements to be shown on the plat, where necessary.

309 EROSION AND SEDIMENTATION CONTROL

(Replaced 9-14-2009)

309.1 All subdivisions must comply with the adopted Hamilton County Water Quality Program Rules and Regulations administered by the Hamilton County Water Quality Program.

309.2 Major Subdivisions must be reviewed by Hamilton County Water Quality Program as a part of the subdivision review process. The Hamilton County Water Quality Program may require Water Quality Easements, detention areas, detention facilities, detailed drawings and specifications of drainage detention improvements, drainage calculations or anything else they determine is necessary to comply with the Hamilton County Water Quality Program Rules and Regulations.

309.3 In major subdivisions the Hamilton County Water Quality Program will require that covenants which specify that all lot owners are responsible to maintain Water Quality Easements, detention areas, detention facilities and other drainage related areas and facilities be recorded before the subdivision plat is recorded.

310 SANITARY SEWAGE DISPOSAL SYSTEM

310.1 Jurisdiction with Public Sewer Systems

310.1.1 Where an adequately sized sanitary sewer is on the site, or on the street abutting the site, or readily accessible (as determined by the developer's financial feasibility study) without the need for off-site easements, or a construction contract for a sewer to be located on or adjacent to the site has been signed, the developer shall construct, at his own expense, a sewage collection system and connect it to the existing sanitary sewer. The design and construction of sanitary sewers and appurtenances shall be in accordance with the regulations, standards, and specifications of the Division of Sanitary Engineering, Tennessee Department of Public Health, and of the Governmental Engineer.

310.1.2 Where an adequately sized sanitary sewer is not on the site, nor on the street adjacent to the site, nor readily accessible to the site without the need for off-site easements, the developer shall have the option of choosing one of the following methods of sewage disposal:

(a) Installing septic tanks and field lines in areas where soil conditions, geology and topography are favorable. The design, construction and installation of the septic tanks and field lines shall be in conformance with the standards and regulations of the Chattanooga-Hamilton County Health Department and subject to the approval of the Health Department.

(b) Constructing, at the developer's expense, a sanitary sewage collection system to the nearest adequately sized, functioning sewer line.

These regulations do not supersede any other local regulations pertaining to the design, financing or installation of sewers, nor do they supersede any regulations pertaining to the payments of fees to the local governments to pay for the installation of sewers.

310.2 Individual On-Site Subsurface Sewage Disposal Systems (Septic Tanks and Field Lines)

In areas where public sewage systems are not available or required and where soil conditions, geology and topography are favorable, septic tanks and field lines may be used. The design, construction and installation of the septic tanks and field lines shall be in conformance with the standards and regulations of the Chattanooga-Hamilton County Health Department and subject to the approval of the Health Department.

311 WATER FACILITIES

311.1 Public Water Supply

311.1.1 Where a public water main is accessible the developer shall install, or cause to be installed, adequate water facilities (including fire hydrants) subject to the specifications and approval of the Division of Water Management, Tennessee Department of Health and Environment, the local water company or utility district, and Governmental Engineer. All water lines installed in new subdivisions shall be a minimum of six inches in diameter unless a smaller line is approved by the Division of Water Management, Tennessee Department of Health and Environment.

311.1.2 Water supply lines are to be located at least ten (10) feet from septic disposal systems and sewer lines.

311.2 Fire Hydrants

311.2.1 Required Fire Hydrant Locations in Lakesite

In Lakesite, the developer shall install fire hydrants on all new streets/roads or private easements of all major subdivisions.

311.3.1.1 Fire hydrants shall be located no more than 1000 feet apart (measured along the street) and within 500 feet (measured along the street) of any structure. The location of all fire hydrants shall be approved by the Governmental Engineer.

312 FLOOD HAZARDS

312.1 Flood Requirements

The subdivision shall conform to the flood requirements for both lots and subdivisions of the Zoning Ordinance.

312.2 Additional Flood Information Required

Where appropriate, the Floodway (Valley Zone) Borders (Floodway line and the 100 Year Flood line) shall be shown on the plat. Also, a note shall be added to the plat stating the base flood (100 Year Flood) elevation.

312.3 Minimum Street Elevations

The Planning Commission, City Manager, or City Engineer may require that all streets be at an elevation which is not lower than the base flood elevation (100 Year Flood elevation).

312.4 Setback and Elevation Requirements on Unmapped Watercourses

Due to the potential flood hazard on property adjacent to an unmapped watercourse draining 300 acres or more above the property under construction, the Planning Commission may require that each unmapped watercourse draining 300 or more acres be investigated by a professional engineer and the elevation of adjacent structures with setbacks from the centerline of the watercourse marked on the subdivision plat. The minimum elevation of the proposed structure shall be determined on the basis of a 100 year storm elevation water level. The engineer shall use an accepted national method of calculation. Example: USDA Technical Release No. 55 "Urban Hydrology for Small Watersheds"; ASCE Manual of Practice No. 37 "Design and Construction of Sanitary and Storm Sewers." The minimum setback shall be determined by an evaluation of the unmapped watercourse based on the erosion potential of the watercourse and lot elevation as determined by the engineer. All subdivisions adjacent to an unmapped watercourse draining 300 or more acres and for which 100 year storm elevation calculations were required shall have a certification by a professional engineer which reads as follows:

I _____ have made a flood hazard study of the subdivision and the drainage area above it and all affected lots within this subdivision are marked with a minimum building elevation. A bench mark of public record for reference is noted on the plat, and established on the subdivision. Unmarked lots have been determined to not require a minimum building elevation due to their location and the existing drainage structure design.

SEAL

Name _____ P.E. #_____

ARTICLE 4 PRELIMINARY PLAT REQUIREMENTS

401 SPECIFICATIONS FOR AND CONTENT OF THE PRELIMINARY PLAT

The owners or surveyor or surveyor/engineer shall submit to the Hamilton County GIS Department copies of the Preliminary Plat drawn to a minimum scale of one inch equals one hundred feet, which shall contain the following information:

401.1 Proposed name of the subdivision, which shall not duplicate or closely approximate, phonetically or in spelling, the name of any other subdivision in Hamilton County, or any PUD in Hamilton County. Plat labeled "Preliminary Plat."

401.2 The Full name and mailing address with zip code (telephone number requested) of the owner(s) and/or developer(s).

401.3 The name and mailing address with zip code, and telephone number of the person, firm, or organization preparing the Preliminary Plat.

401.4 North point, and scale.

401.5 A vicinity map, showing the following features, if applicable, within an area large enough to locate the subdivision:

401.5.1 Outline of proposed subdivision and north point

401.5.2 Location and name of all principal roads, streets, railroads, water courses, etc.

401.5.3 State, county, or municipal boundaries shown and labeled.

401.5.4 Name and/or shown an easily identifiable landmark (store, road intersection, creek, etc.) and shown the number of miles (to the nearest tenth) from the landmark to the site.

401.6 The boundary line of the proposed subdivision drawn to scale and showing all bearings and distances, including existing road curve functions and dimensional data.

401.6.1 Parcel number, including map sheet number and group identifier, for all parcels which are being subdivided or joined in the platted area. This is commonly referred to as the "Tax Map Number."

401.6.2 The location of control monuments on the on the boundary line of the proposed subdivision showing the horizontal position in Tennessee State Plane coordinates.

401.7 Lots drawn and numbered in a logical numerical order, showing the approximate dimensions of lots. (Where parallel lot lines exist, the distances may be dittoed.) Every parcel of land within the subdivision should have a lot number. Subdivisions developed in phases or units are to continue numbering the lots, and not start with lot number 1 for each new unit. The use of lot numbers by block, in which lot numbers are repeated in each block, is prohibited.

401.8 The property lines of all adjoining property shall be shown with dashed lines. For adjoining subdivisions, shown the full name of the subdivision, ROHC book and page numbers, and the lot numbers (dashed). For other adjoining property, shown the owner's name.

401.9 Show the location, widths, and names of all existing, proposed, or recorded streets, public rights-of-way, or access easements, etc., intersecting or paralleling the subdivision, on or adjacent to the subdivision.

401.9.1 Proposed street names shall not duplicate or closely approximate, phonetically or in spelling, the name of any other street in Hamilton County. The change of a street name prefix (East, North) or suffix (Road, Lane, Circle) shall not be construed as a different street name.

401.9.2 Show the station numbers for all proposed streets. Station numbers shall begin at a known existing and reproducible street centerline.

401.9.3 Split Road Cross Sections — A typical cross section of all split roads in the subdivision shall be shown on the preliminary plat, if applicable.

401.10 Drainage

401.10.1 Show the size, location, outline and direction of water flow at all high and low points of all existing and proposed drainage easements in and adjacent to the subdivision. Show the number of acres drained into the high point of the drainage easement.

401.10.2 Show size, location, number of acres drained, and direction of water flow in tiles (pipes) in and adjacent to the subdivision. (See Section 307.4.1 for determination of pipe size.)

401.10.3 Show location and label any other proposed drainage improvements such as catch basins, headwalls, rock and mortar or concrete drainage ditches, etc.

401.10.4 Show the location and label any proposed off-site drainage improvements which are made necessary by the construction of the proposed subdivision.

401.11 Utilities

401.11.1 For all existing and proposed water lines, show size, location of lines, and outline and size of easements (if applicable) in and adjacent to the subdivision.

Show location of existing wells, springs, or other natural sources of water supply within the subdivision and within two hundred (200) feet of the boundaries of the subdivision.

Show the location of all existing fire hydrants in and within five hundred (500) feet of the subdivision.

401.11.2 For all existing and proposed gas lines and mains, show size, location, name of mains, and outline of easements (if applicable) in and within two hundred (200) feet of the boundaries of the subdivision.

401.11.3 For all existing electrical and telephone easements, show size, location, name of major easements, and outline of easements in and within two hundred (200) feet of the boundaries of the subdivision.

401.11.4 For all existing and proposed sanitary sewers and sewer easements, show sizes, locations, direction of flow, outlines of easements, manholes, and invert elevations in and within two hundred (200) feet of the boundaries of the subdivision.

If a public sewage treatment plant of any type is to be constructed on and/or to serve the subdivision, place the offer of dedication on the plat.

401.12 Natural contours at five foot intervals or less (sea level elevations only). The plat designer shall field check for accuracy of the contour lines if he has obtained the information from sources other than his own.

401.13 Contour line or limit of 100-year flood and/or Floodway Zone (Valley Zone), if applicable. Unless the developer or the plat designer has consulted with the staff prior to the submission of the Preliminary Plat, the staff shall delineate pertinent flood information on the plat during the review of the plat.

401.14 Municipal, county, state boundaries, water courses, railroads, etc., in or adjacent to the subdivision.

401.15 The Preliminary Plat shall be drafted so that good, clear, legible prints, copies or negatives can be made. Special attention should be given to the selection of patterned films that may interact with some reproduction methods. Dot pattern or dot shading should not be used on plats. The Hamilton County GIS Department staff may refuse to accept any plat that it deems illegible or likely to generate inadequate reproductions.

402 STATEMENTS TO BE INCLUDED ON THE PLAT

402.1 Present zoning of tract, and zoning applied for, if applicable.

402.2 Source of water supply. If public water supply is not available; state nearest location, size of line, utility company's name, and whether water supply will be from wells.

402.3 Number of acres subdivided.

402.4 Source of Topographic Quotation

(a) If the topographic was obtained from a source other than an actual field survey, use the following quote: "Topographic was obtained from (source) and has been field verified to insure its accuracy."

Examples of (source): Interpolated TVA quadrangle, Chattanooga quadrangle, Daisy quadrangle, etc.; aerial topographic map-Atlantic Aerial Survey; etc.

(b) If the topographic was taken from an actual field survey, use the following quote: "Topographic was obtained from an actual field survey dated _____, conducted by _____. Elevations were determined from benchmark or monument located at _____, elevation _____."

402.5 If Community Lot(s) are shown; note the following:

"No building permit is to be issued for a residential, commercial, or industrial building on the Community Lot. Lot to be used for recreational purposes only. Maintenance to be assumed by the developer until lot is deeded to home owners in the subdivision, or to a homeowners association."

402.6 A statement of the proposed use of the lots (e.g. single-family dwellings, two-family dwellings, multiple-family dwellings, commercial development, industrial development, etc.).

402.7 Special notations and information, if required.

403 INFORMATION REQUIRED IN ADDITION TO THE PRELIMINARY PLAT

403.1 Road Profiles

Four (4) copies of the vertical road profiles of all roads including private roads or easements to be constructed in the subdivision shall be submitted with the preliminary plat. The vertical road profiles shall show the road name, station numbers, the existing ground lines, the proposed centerline grade, percent grades, vertical curves, street intersections, and drainage structures; all drawn to a scale not less than one inch equals one hundred feet (1" - 100') horizontal, and one inch equals ten feet (1" - 10') vertical.

403.2 Sanitary Sewer Profiles

Four (4) copies of the vertical sanitary sewer profiles of all sanitary sewers to be constructed in and for the subdivision shall be submitted with the preliminary plat. The vertical sanitary sewer profiles shall show the identification of the sewer line, manhole locations and numbers, invert elevations, percent grades and direction of flow, underground utilities, drainage structures, and the natural and finished grades; all drawn at a scale not less than one inch equals one hundred feet (1" - 100') horizontal, and one inch equals ten feet (1" - 10') vertical.

If the sewer line(s) go through an adjacent owner's property, include one of the following:

(a) Put the deed book and page number(s) of the recorded easement that allows the developer and/or city to install and maintain a sewer line through the adjoining property and submit a copy of the recorded document to the Planning Commission staff with the rest of information required, or

(b) Put a statement on the plat that allows the developer and/or city to install and maintain a sewer line through the adjacent owner's property in the location as shown on the subdivision plat, and signed by the adjacent owner.

403.2.1 The sanitary sewer profiles and the vertical road profiles may be shown together. If this is done, four (4) copies of the combined vertical profiles shall be submitted with the preliminary plat.

403.3 Requests for Variances

Requests for variances shall be submitted in writing with the submittal of the preliminary plat, in accordance with Article I, Section 111.

403.4 House Locations and Building Setback Lines

Suggested house locations and building setback lines may be required by the Health Department and should then be shown on the plat. The actual house location may, however, deviate from the area shown on the plat if the location is approved by the Health Department. If suggested house locations are shown on the plat, a note should be added to the plat showing the symbol for the house location and wording similar to the following: "House should not be greater than _____ feet from its closest side lot line as shown (see plat for exceptions, if applicable)," and/or "Building setbacks and suggested house locations may be changed with written permission of the Health Department."

403.5 Existing Utilities and Railroads

The Planning Commission may require that a letter be submitted with the preliminary plat from the affected utility or railroad approving the proposed crossing of the utility, utility easement, or railroad by any street, driveway, field lines, or other utility, etc.

404 FORM OF SUBMITTAL

404.1 In addition to the transparent plastic film copy and other copies to be recorded, those plats prepared using computer aided drafting or otherwise available in electronic form are to be submitted to the City Engineer's Office on a 3.5 inch MS-DOS formatted 1.44 Megabyte capacity disk (or disks, as required) in one of three formats: Auto CAD Version 14 or earlier, MicroStation Version 95 or earlier or Arc/Info Version 7 or earlier.

ARTICLE 5 FINAL PLAT REQUIREMENTS

501 SPECIFICATIONS FOR AND CONTENT OF THE FINAL PLAT

The developer or his representative shall submit to the Hamilton County GIS Department, copies of the Final Plat, drawn to a minimum scale one inch equals one hundred feet (1" - 100'). (See Section 202.1) Sheet size and stamp block shall conform to the specifications shown on Appendix A-S. The GIS Department requests that the surveyor draw the appropriate signature block on the final plats.

The Final Plat shall be drafted so that good, clear, legible prints, copies, or negatives can be made. The Hamilton County GIS Department may refuse to accept any plat that it deems illegible or likely to generate inadequate reproductions or which fails to contain all required elements

The Final Plat shall include the following information:

501.1 Proposed name of the subdivision, which shall not duplicate or closely approximate, phonetically or in spelling, the name of any other subdivision in Hamilton County, or any PUD in Hamilton County. The most recent recorded deed book number and page number for each deed constituting part of the property being platted. Plat labeled "Final Plat."

501.2 The full name(s), mailing address(es) with zip code(s) and telephone number(s) of the owner(s) of all property owners involve.

501.3 The name, full mailing address, zip code, and seal (to include license number) of the Registered Land Surveyor preparing the plat. Where drainage structures with stormwater flows in excess of the capacity of a 42" diameter concrete pipe or equivalent, as determined by section 307.4.1, are to be placed, these facilities shall be designed and the plat stamped by a registered engineer licensed to practice in the State of Tennessee. In no instance will a plat be accepted that does not contain the seal of a Registered Land Surveyor licensed to practice in the State of Tennessee.

501.4 The date of plat preparation and revisions, north point, and scale—both written and graphic.

501.5 A vicinity map showing the following features, if applicable, within an area large enough to locate the subdivision:

501.5.1 Outline of proposed subdivision and north point (oriented consistent with the north point of the plat, preferably pointing to the top of the plat).

501.5.2 Location and name of all principal roads, streets, railroads, water courses, etc.

501.5.3 State, county, or municipal boundaries, shown and labeled.

501.5.4 Name and/or show an easily identifiable landmark (store, road intersection, creek, etc.) and show the number of miles (to nearest tenth) from the landmark to the site.

501.6 The boundary lines of the subdivision shall be determined by an accurate survey in the field, to include a closed traverse. The boundary survey shall close with an error of closure to exceed 1:5000.

501.6.1 Show parcel number, including map sheet number and group identifier for all parcels which are being subdivided. This is generally referred to as the "Tax Map Number.

501.6.2 The location of control monuments on the boundary line of the proposed subdivision showing the horizontal position in Tennessee State Plane coordinates.

501.7 Lots drawn and numbered in a logical numerical order. Every parcel of land within the subdivision shall have a lot number. Subdivisions developed in phases or units are to continue numbering the lots and not start with lot number 1 for each new unit. The use of lot numbers by block in which lot numbers are repeated in each block is prohibited.

501.7.1 Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every lot line and boundary line, whether curved or straight. This shall include the radius, central angle (delta), length of curve, and tangent distance for the curved property lines. The point of curvature and the point of tangency of all curves on all right-of-way lines shall be located by distance to the nearest lot corner. Chord bearings and dimensions may be used for irregular lines, such as creeks, shore lines, etc.

501.7.2 Minimum building setback lines, other than those required by the local zoning ordinances, shall be shown and labeled on the lot(s). Setbacks may be changed if approved in writing by the Health Department.

501.7.3 Show location of any boundary monument benchmark for major subdivisions.

501.8 The property lines of all adjoining property shall be shown with dashed lines. For adjoining subdivisions, shown the full name of the subdivision, ROHC book and page numbers, and the lot numbers (dashed). For other adjoining property, shown the owner' a name and deed book and page number.

501.9 Show the location, widths; and names of all existing, proposed, or recorded streets, public rights-of-way, or access easements, etc., intersecting or paralleling the subdivision, in and adjacent to the subdivision.

501.9.1 Proposed street names shall not duplicate or closely approximate phonetically or in spelling, the name of any other street in Hamilton County. The change of a street name prefix (East, North) or suffix (Road, Lane, Circle) shall not be construed as a different street name.

501.9.2 Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every street line, whether curved or straight. This shall include the radius, central angle, (delta), length of curve, and tangent distance for the center line of curved streets and curved property lines. The point of curvature and the point of tangency of all curves on all right-of-way lines shall be located by distance to the nearest lot corner.

501.9.3 Show a measured distance to a recognizable point such as a street intersection, landmark, survey monument, global positioning system reference, etc.

501.10 Drainage

501.10.1 Show the size, location, and outline of all existing and proposed drainage easements in and within two hundred (200) feet of the boundaries of the subdivision.

501.10.2 Show size, location, number of acres drained, and direction of water flow in tiles (pipes) in the subdivision. (See section 307.4.1 for determination of pipe size.)

501.10.3 Show location and label any other proposed drainage improvements such as catch basins, headwalls, rock and mortar or concrete drainage ditches, etc.

501.10.4 Show the location and label any proposed off-site drainage improvements which are made necessary by the construction of the proposed subdivision.

501.11 Utilities

501.11.1 Show the location of all proposed fire hydrants to be installed by the developer in the subdivision.

501.11.2 For all existing and proposed electrical, telephone, water, gas, and other utility easements, show size, location, name of major easements, and out-line of easements in and within two hundred (200) feet of the boundaries of the subdivision.

501.11.3 For all existing and proposed sanitary sewers and sewer easements, show sizes, locations, and outlines of easements, in and within two hundred (200) feet of the boundaries of the subdivision.

If a public sewage treatment plant is to be constructed on and/or to serve the subdivision, place the offer of dedication on the plat.

501.11.4 Show the location of existing sanitary sewer lines on or adjacent to the site. If sanitary sewers are available to all lots, note: "Sewer available." If available sanitary sewers are maintained by the Hamilton County Water and Wastewater Treatment Authority note: "Public sanitary sewers available by HCWWTA."

501.12 Contour line or limit of 100-year flood and/or Floodway District (Valley Zone), each labeled, if applicable.

501.13 Municipal, county, state boundaries, water courses, railroads, etc., on and adjacent to the subdivision.

501.14 The boundaries of all property including access to said property) which is to be dedicated for public use, with the purpose indicated thereon.

501.15 The boundaries of all property (including access to said property) which is to be reserved by deed restrictions or protective covenants in the deeds for the common use of the property owners in the subdivision, e.g. "community lot." Show the ROHC book and page numbers on the plat for all appropriate recorded documents.

502 STATEMENTS TO BE INCLUDED ON THE PLAT

502.1 Present zoning of tract.

502.2 Local Government does not certify that utilities or utility connections are available.

502.3 Plat labeled, "Final Plat."

502.4 Number of acres subdivided.

502.5 Certification of Ownership and Dedication of Rights-of-Way

"I hereby adopt this as my plan of subdivision and certify that the rights-of-way are dedicated to the public use forever. I also certify that there are no encumbrances on the property to be dedicated and that I am owner of the property shown in fee simple."

502.6 Dedication of Land, if applicable:

Add to the above: "...and dedicate the lots so specified on the plat to (governmental jurisdiction)".

502.7 "The owner/developer is to install all drainage structures and improved easements as shown. (Applies only to subdivisions where drainage improvements are required) "The maintenance of drainage easements is the responsibility of the property owner and not the local government."

502.8 Special Setbacks, if applicable.

A. "There is a minimum 25 ft. field line setback from all drainage easements shown." (Applies only where drainage easements are shown on the plat)

B. "There is a minimum 25 ft. field line and building setback from all sink hole(s) shown." (Applies only where sinkholes, depressions, etc. are shown on the plat).

502.9 Engineer's Statement of Design—on plat (If Applicable)

"I, hereby, certify that I have designed all drainage structures, with storm-water flows in excess of the capacity of a 42" diameter concrete pipe or equivalent as shown on this plat and that the design meets proper engineering criteria." (Signature) (Include Seal of Engineer).

502.10 Certification of Survey

"I hereby certify that I have surveyed the property shown hereon; that this survey is correct to the best of my knowledge and belief and that the ratio of precision of the unadjusted survey as 1 per _____ as shown hereon." (Signature of Surveyor)

502.11 If Community Lot(s) are shown, note the following:

"No building permit is to be issued for a residential, commercial, or industrial building on the 'Community Lot'. The 'Community Lot' is to be used for recreational purposes only. The maintenance of the 'Community Lot' is to be assumed by the developer until the lot is deeded to the home owners in the subdivision, or to a homeowners association."

502.12 "This plat resubdivides deeds _____ ROHC"

502.13 "This subdivision has been developed according to the design standards of the subdivision Regulations of The City of Lakesite.

502.14 Special notations and information, if required by the City Manager or Governmental Engineer.

502.15 When a plat shows future or dedicated right-of-way for the future extension of a cul-de-sac, add the following note: "Approval of this plat does not imply that Local Government will approve any subsequent development using roads, rights-of-way or easements shown on this plat," (Added 9-14-2009)

502.16 Preliminary Plat was approved on (insert date of Planning Commission approval). See Resolution Number (Insert Resolution Number) for approval of Preliminary Plat. (Added 12/8/14)

502.17 Statements to be included on the plats for Major Subdivisions with Water Quality Easements. (Added 9-14-2009)

502.17.1 Water Quality Easements and other drainage related facilities installed by the developer cannot be filled, altered or changed in any way without permission from the Hamilton County Water Quality Program.

502.17.2 The owners of all lots are responsible to maintain Water Quality Easements to the standards of the Hamilton County Water Quality Program Rules and Regulations.

502.17.3 Local Government is not responsible to construct or maintain Water Quality Easements or any drainage related facilities.

502.17.4 The Hamilton County Water Quality Program reserves the right at any time to access Water Quality Easements to inspect areas and facilities.

502.17.5 The Hamilton County Water Quality Program Rules and Regulations shall apply to any discharge of storm water from this subdivision.

503 INFORMATION REQUIRED IN ADDITION TO THE FINAL PLAT FOR SUBDIVISIONS

503.1 A letter from the Division of Water Management, Tennessee Department of Health and Environment, approving the design of the extension of the water lines, if applicable.

503.2 A letter from a Division of Sanitary Engineering, Tennessee Department of Health and Environment, approving the design of the sewer lines, if applicable.

503.3 New streets graded or staked as required by Section 203.

503.4 Requests for Variances

Requests for variances, if applicable, shall be submitted in writing with the submittal of the Final Plat, in accordance with Article I, Section 111, unless the variance was granted in the approval of the preliminary plat.

503.5 House Locations and Building Setback Lines

Suggested house locations and building setback lines may be required by the Health Department and should then be shown on the plat. The actual house location may, however, deviate from the area shown on the plat if the location is approved by the Health Department.

If suggested house locations are shown on the plat, a note should be added to the plat showing the symbol for the house location, and wording similar to the following: "House should not be greater than _____ feet from its closest side lot line as shown (see plat for exceptions, if applicable)." and/or "Building setbacks and suggested house locations may be changed with written permission from the Health Department."

503.6 Storm Water Runoff Calculations if required by the Hamilton County Water Quality Program. (Added 9-14-2009)

504 FORM OF SUBMITTAL

504.1 In addition to the transparent plastic film copy and other copies to be recorded, those plats prepared using computer aided drafting or otherwise available in electronic form are to be submitted to the City Engineer's Office on a 3.5 inch MS-DOS formatted 1.44 Megabyte capacity disk (or disks, as required) in one of three formats: Auto CAD Version 14 or earlier, MicroStation Version 95 or earlier or Arc/Info Version 7 or earlier.

ARTICLE 6 DEFINITIONS

600 WORDS AND PHRASES

For the purposes of these regulations, certain terms, words, and phrases are defined as follows:

Words with a masculine gender include the feminine gender.

Words used in the future tense include the present.

Words used in the present tense include the future.

Words used in the singular include the plural.

Words used in the plural include the singular.

The word "may" is permissive.

The words "ordinance"' and "regulations" are used interchangeably.

The word "person" includes a firm, association, corporation, organization, partnership, trust, company, and an unincorporated association of persons such as a club, as well as an individual.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

601 APPLICANT: The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

602 BLOCK: A parcel of land that is normally bounded by streets or bounded by streets and the exterior boundary of a subdivision.

603 BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year—commonly referred to as the '100-year flood'. (See also, 'High Water Stage')

604 BOND: Any form of security (including a cash bond, surety bond, cashier's check, collateral, property, or instrument of credit) in an amount and form satisfactory to the Governmental Engineer for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the owner(s) agreement. (See Article 2, Section 208)

605 BUILDING INSPECTOR OR OFFICIAL: A qualified inspector from the Municipal Building Inspection's office who is designated by the local government to enforce the Zoning Ordinance.

605.1 CAD: Computer-aided drafting; a.k.a., computer-aided design.

606 CAPITAL IMPROVEMENTS PROGRAM: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purpose, construction, or replacement of the physical assets for the community are included.

607 CITY MANAGER: A person appointed by the governing body to be the chief administrative official of the city or town or his designated representative. In some cases, this official is referred to as the "City Administrator." In cities or towns which do not have a city manager, the term "City Manager" as used herein refers to the chief elected official or his designated representative.

608 COLLECTOR STREET: See Street, Collector.

608.1 CONTROL MONUMENT: A survey marker used to position the remaining boundary survey corners on the surface of the Earth. A type of monument.

609 CORRECTIVE PLAT: A plat used to record minor changes to a recorded plat. (See Article 2, Section 206).

610 TRANSPARENT PLASTIC FILM: A dimensionally stable material on which the final details of a proposed subdivision are affixed and recorded in the Registrar's office. (See Article 2, Section 207).

611 CUL-DE-SAC STREET: A local street with one (1) end open to traffic and the other end terminating in a vehicular turnaround (See App. 6).

611.1 CUL-DE-SAC, SHORT: A cul-de-sac street which provides access to ten (10)) or less lots provided the road is not an extension of a road with a wider right-of way and the street cannot be extended due to topographic barriers (See App. 6).

612 CURRENT PLANNING AND OPERATIONS: A division of the Planning Commission that receives, processes, and administers the subdivision regulations within the jurisdiction of the Planning Commission.

613 DEED RESTRICTIONS: A private covenant among the residents of a subdivision or development limiting the use or conditions within the subdivision or development.

614 DEVELOPER: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land here under for himself or for another.

615 EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

615.1 EASEMENT, DRAINAGE: A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.

615.2 EASEMENT, OVERHEAD POWER AND COMMUNICATION: An easement for the installation, operation, inspection, maintenance, repair or replacement of overhead electric power, telephone, cable TV. and other communication lines, cables, poles, anchors, structures, etc. and the appurtenances thereto belonging.

615.3 EASEMENT, PERMANENT: A recorded permanent easement which provide access to a publicly accepted municipal or county street. Such permanent easement shall be open to public safety access and utility access.

615.4 EASEMENT, POWER AND COMMUNICATION: An easement for the installation, -1 operation, inspection, maintenance, repair or replacement of underground, ground level or overhead electric power, telephone, cable TV. and other communication lines, cables, poles, anchors, ditches, pipes, duct, structures, manholes, etc. and the appurtenances thereto belonging.

615.5 EASEMENT, UTILITY: An easement for the installation, operation, inspection, maintenance, repair or replacement of the public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances thereto belonging.

616 ENGINEER: Any person registered to practice professional engineering in Tennessee by the State Board of Examiners for Architects and Engineers.

617 FINAL PLAT: A subdivision plat prepared in accordance with the provisions herein, in which said plat is designed to be placed on record with the County Registrar after approval by the Planning Commission.

618 FLAG LOT: An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the street. The narrow portion of the lot that extends to the street shall be suitable for ingress and egress.

619 FLOOD, 100-YEAR: (Base Flood Elevation) The flood having a one percent chance of being equaled or exceeded in any given year as defined by Federal Emergency Management Administration (formerly Federal Insurance Administration). The boundaries and general elevations of the 100 year flood are shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Administration.

620 FLOODWAY ZONE (VALLEY ZONE): The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood (100 year flood) without increasing the water surface elevation. The Floodway Zone is shown on the Municipal Zoning Maps

621 FRONTAGE: The width of the lot measured at (1) the required front yard setback line, or (2) in the case of a flag lot, the narrowest part not in that narrow part that extends to a street.

622 GENERAL PLAN: A plan, or any portion thereof, adopted by the Planning Commission, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

623 GEOLOGIC SURVEY: Involves study of the bedrock, regolith, and ground water. Requires a detailed mapping of the rock strata and structural relationships of these units. Also, may include nature and significance of possible metallic and non-metallic mineral deposits.

623.1 GIS DEPARTMENT: The agency designated by Hamilton County and the Town of Lakesite as the official source of electronic maps and related geographic information system support. The head of the agency is the Director of the GIS Department.

624 GOVERNING BODY: The chief legislative body of the city or town government, commonly referred to as the "City Commission," "City Council," "Board of Commissioners," or "Town Council."

625 GOVERNMENTAL ENGINEER: The engineer designated by the Governing Body to furnish engineering assistance for the administration of these regulations, usually given the title "City Engineer."

626 GRADE: The slope of a street, or the ground, specified in percentage (%) terms.

626.1 HAMILTON COUNTY GIS DEPARTMENT: See Section 620.1, GIS Department, above.

627 HEALTH DEPARTMENT AND HEALTH OFFICER: The agency and person designated by the Governing Body to administer the health regulations of the local government and of the State.

627.2 HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY (HCWWTA): An independent authority chartered by Hamilton County Government under sections of the Tennessee Code Annotated which provided sanitary sewer service to parts of Hamilton County.

627.3 HAMILTON COUNTY WATER QUALITY PROGRAM: The agency designated to administer the Hamilton County Water Quality Program Rules and Regulations. (added 9-14-2009)

628 HIGH WATER STAGE (Base flood elevation): See "Flood-100 Year."

629 IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

630 LOCAL GOVERNMENT: For the purposes of these regulations the city governments which are authorized by law to adopt ordinances.

631 LOCAL GOVERNMENT ATTORNEY: The licensed attorney designated by the Governing Body to furnish legal assistance to the Governing Body, sometimes referred to as "City Attorney."

632 LOCAL STREET: See Street, Local

633 LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or building group as permitted in the applicable zoning ordinance or regulation, together with their accessory building or uses and such access, yards, and other open spaces as required in these regulations and the applicable zoning ordinance. If on-site waste disposal systems are used, the lot must be capable of sustaining such a disposal system within the limits of the particular lot.

634 LOT MEASUREMENTS: Lots shall be measured and their dimensions calculated as given below.

634.1 LOT FRONTAGE: The width of the lot measured at (1) the required front yard set-back line, or (2) in the case of a flag lot, the narrowest part not in that narrow part that extends to a street.

634.2 LOT WIDTH: The width of the lot measured along a straight line between side lot lines (generally parallel to the street) and measured at: (a) the rear of the front yard required by the local zoning regulations, or (b) the building setback line as shown on the plat.

634.3 LOT DEPTH: The depth of the lot measured along a straight line(s) perpendicular to the street and measured from the street right-of-way to the rear of the lot in accordance with the most applicable of the following conditions: (See following page for examples.)

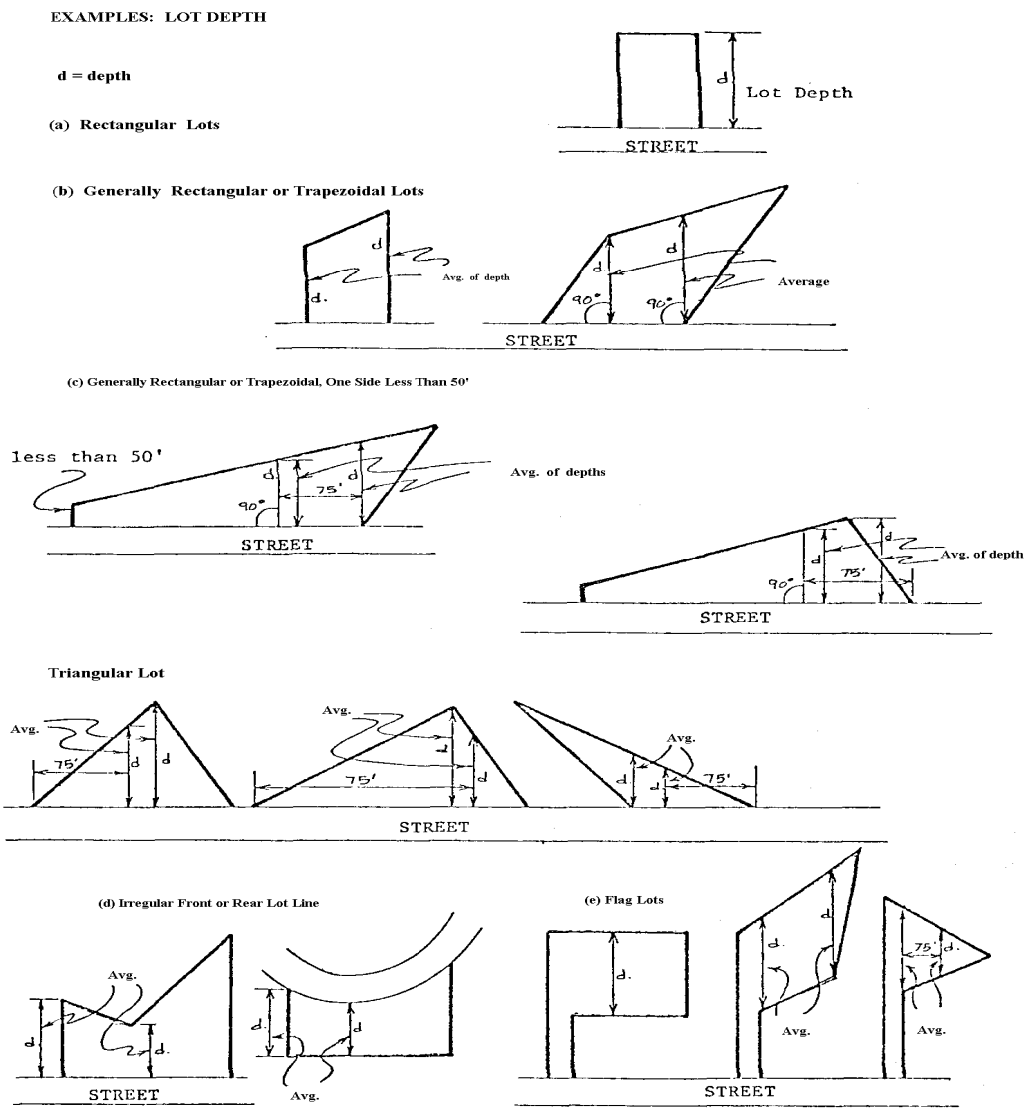
(a) for rectangular lots; the length of the side lot line.

(b) for lots that are generally rectangular or trapezoidal, except where either side lot line is less than fifty (50) feet; the average of the depths to the rear lot corner.

(c) lots that are generally rectangular, or trapezoidal where one side lot line is less than fifty (50) feet, or triangular; the average of the depth of the long side lot line and the length of a line perpendicular to the street but seventy-five (75) feet away from side measured above. (Note: the lot width must be at least seventy-five (75) feet to make this measurement.)

(d) lots with irregular front or rear lot lines; the average of the shortest side lot line and a line to the portion of the rear lot line that is closest to the street.

(e) flag lots; the depth of the major part of the lot, as measured above, but excluding the narrow portion of the lot that extends to the street.



634.4 LOT AREA: The area bounded by the lot lines of a lot with the following exception:

(a) for lots served by septic tanks; drainage ways and/or easements and the area separated from the main portion of a lot by a drainage way, or drainage easement.

635 LOT OF RECORD: A designated tract of land as shown on a recorded plat or tax map on record in the Registrar's Office or the Assessor of Property's Office prior to the passage of the Zoning Ordinance.

636 LOT TYPES: Terminology used in these regulations with reference to corner lots, interior lots, and through lots, and reversed frontage lots is as follows:

636.1 CORNER LOT: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

636.2 INTERIOR LOT: A lot other than a corner lot with only one frontage on a street.

636.3 THOUGH LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

636.4 REVERSED FRONTAGE LOT: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

637 MAJOR ROAD: See Road, Major.

638 MAJOR STREET PLAN: See General Plan

639 MAJOR SUBDIVISION: See Subdivision, Major.

640 MONUMENTS: Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in street alignment.

641 NON-RESIDENTIAL LOT: A lot intended to be used for purposes other than residential and accessory uses; such as for commercial or industrial development.

642 NON-RESIDENTIAL SUBDIVISION: A subdivision intended to be used other than residentially, such as for commercial or industrial development. Such subdivisions shall comply with the applicable provisions of these regulations.

643 OFFER OF DEDICATION: The act of granting land or streets to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or streets by the local government, association or person.

644 ORDINANCE: Any legislative action, however denominated, of a local government which has the office of law, including any amendment or repeal of any ordinance.

645 OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

646 PERFORMANCE BOND: See Bond and Article 2, Section 208.

647 PLANNING AGENCY: A public agency which serves as the staff for the Chattanooga-Hamilton County Regional Planning Commission and any other planning commissions in Hamilton County as requested. This agency also performs other planning service functions as requested by local government.

647.1 PLANNING AGENCY STAFF: The staff of the Planning Agency

648 PLAT: The map, plan, or drawing on which the developer's plan of a subdivision of property is presented to the Planning Commission for approval and, after such approval, to the Registrar of Hamilton County for recording. "Plat" includes plat, plan, plot or replot.

649 PLAT DESIGNER: An individual or firm that surveyed and designed the preliminary plat, final plat, and transparent plastic film.

650 PUBLIC RIGHT-OF-WAY: Land owned by a government, but developed and reserved for the public's use. (See Right-of-Way, Section 655)

650.1 PUBLIC UTILITY: See "Utility, Public"

651 RESERVE STRIP: A remnant of land created by the subdivision of contiguous land.

652 RESIDENTIAL LOT: A lot intended to be used for residential and accessory uses.

653 RESIDENTIAL SUBDIVISION: A subdivision intended to be used for residential and accessory uses.

654 RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

655 RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels. Right-of way intended for streets, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

656 R.O.H.C.: Registrar's Office of Hamilton County.

657 SALE OR LEASE: Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, inter-state succession, or transfer, or an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

658 SETBACK LINE: A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes.

659 STAGING: The development of tracts of land in a piecemeal fashion to avoid adhering to a longer subdivision procedure.

659.1 STORM WATER: Storm water runoff, snow melt runoff, and discharge resulting from precipitation. (Added 9-14-2009)

659.2 STORM WATER RUNOFF: Flow on the surface of the ground resulting from precipitation. (Added 9-14-2009)

660 STREET: Any public right-of-way designed for vehicular movement, except alleys, dedicated to and accepted by the local government. "Street" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Street" includes "road," "highway," or any other designation of a public right-of-way designed for vehicular movement. (See 302.3)

660.1 STREET, DEDICATED: A street shown on a subdivision plat which has been dedicated to the local government, but which has not yet been accepted by the local government.

660.2 STREET, COLLECTOR: A street, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets. Collector streets include those streets designated as collector streets on the General Plan or any other plan adopted by the Chattanooga-Hamilton County Regional Planning Commission.

660.3 STREET, CUL-DE-SAC: A local street with one (1) end open to traffic and the other end terminating in a vehicular turnaround. (See App. 6).

660.4 STREET, SHORT CUL-DE-SAC: (See Cul-de-Sac, Short)

660.5 STREET, FREEWAY: A divided, multi-lane street with full control of access designed to move large volumes of traffic at high speeds.

660.6 STREET, FRONTAGE: A street adjacent to a freeway or a major arterial, separated therefrom by a median, and providing ingress and egress from abutting property.;

660.7 STREET, LOCAL: A street primarily for providing access to residential, commercial or other abutting property.

660.8 STREET, MAJOR: A street which serves the major movements of traffic within and through the community as shown on the latest adopted Major Street Plan of the General Plan, or any other plan adopted by the Chattanooga-Hamilton County Regional Planning Commission.

660.9 STREET, SPLIT: A street, designed to lessen road cross grades and lot grades, that has two one-way or street segments with a median that is a part of the right-of-way. Split streets shall have a paved turn-around of at least 40 feet in diameter at each end of the median to facilitate access to property on the reverse lane of the split street The developer may be required to install facilities to reduce maintenance and erosion at the discretion of the Governmental Engineer. (See App. 6.)

661 SUBDIVIDER: Any person who (1), having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease or development a subdivision or any interest, lot parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing. (See also Applicant, and Developer)

662 SUBDIVISION: See Article 1, Sections 105.2 and 105.2.1.

662.1 SUBDIVISION, ADMINISTRATIVELY APPROVED: See Article 2, Sections 204 and 205.

662.2 SUBDIVISION, CORRECTIVE PLAT: See Article 2, Section 206.

662.3 SUBDIVISION, MAJOR: Any subdivision in which new streets are to be constructed and dedicated to the public; or any subdivision requiring the extension of public water and/or sewer lines; or any subdivision with four or more lots whose only access is an easement or private road or any subdivision with ten (10) or more new lots. (Amended 9-14-2009)

663 SURVEYOR: A land surveyor properly licensed and registered in the State of Tennessee.

663.1 SURVEYOR/ENGINEER: Any person registered to practice professional engineering in the State of Tennessee and also licensed and registered to practice land surveying in the State of Tennessee.

664 UTILITY, PUBLIC: A public utility is a business, organization, or government entity which is regularly supplying the public with some commodity or service to include, but not be limited to, such commodities or services as natural gas, electricity, water, telephone, sewage collection, cable television, etc., which requires the extension of lines, poles, cables, wires, pipes, etc. to individual buildings and which is being regulated for the public convenience and necessity by Federal, State, or local government.

665 VALLEY (FLOODWAY) ZONE: See Floodway Zone.

666 VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (See Article 1, Section 111 and 111.1)

667 WATERCOURSE, UNMAPPED: Any watercourse other than Chickamauga Lake and those watercourses for which 100 year flood elevations have been mapped by the Federal Emergency Management Administration or its successor on Flood Insurance Rate Maps.

667.1 WATER QUALITY EASEMENT: Water Quality Easement is the area defined in the Plat of Record in the Hamilton County Register's Office which has been set aside for the maintenance, repair, monitoring, or other activities for the furtherance of water quality control and protection, including an area for pedestrian or vehicular access, and within which certain activities, such as planting or construction that changes or redirects water resources within or flowing through the area, are limited and prohibited without the written consent of the Hamilton County Water Quality Program until such easement is released in writing by the Hamilton County Water Quality Program or its successor agency. (Added 9-14-2009)

668 ZONING ORDINANCE: The Zoning Ordinance of the City of Lakesite.

ARTICLE 7 ENACTMENT AND REPEAL

701 ENACTMENT, EFFECTIVE DATE

These regulations shall become effective from and after the date of its approval and adoption by the Chattanooga-Hamilton County Regional Planning Commission for the City of Lakesite.

702 Henceforth, any other subdivision regulations previously adopted by the Chattanooga-Hamilton County Regional Planning Commission for the City of Lakesite shall be deemed to be repealed.

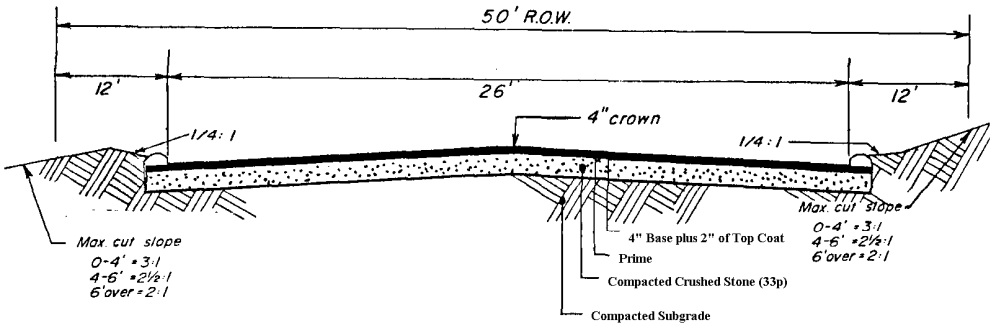
ADOPTED: September 13, 1999
Sue Shaw Chairman
Chattanooga-Hamilton County
Regional Planning Commission Ann Coulter Secretary
Chattanooga-Hamilton County
Regional Planning Commission

APPENDICES

APPENDIX 1 TYPICAL CROSS SECTION FOR STREETS

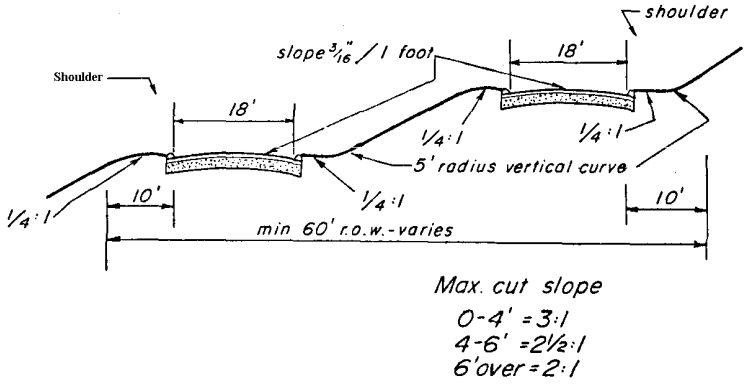
Typical Cross Section for Streets

LOCAL STREETS



All other streets (except split streets) are similar to the above with the exception of right-of-way width and pavement width.

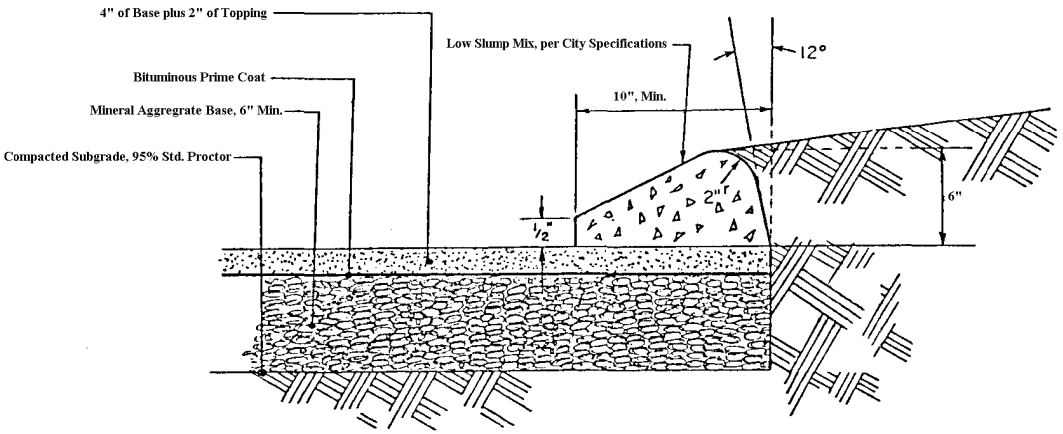
SPLIT STREETS



Max. cut slope
0-4' = 3:1
4-6' = 2½:1
6'over = 2:1

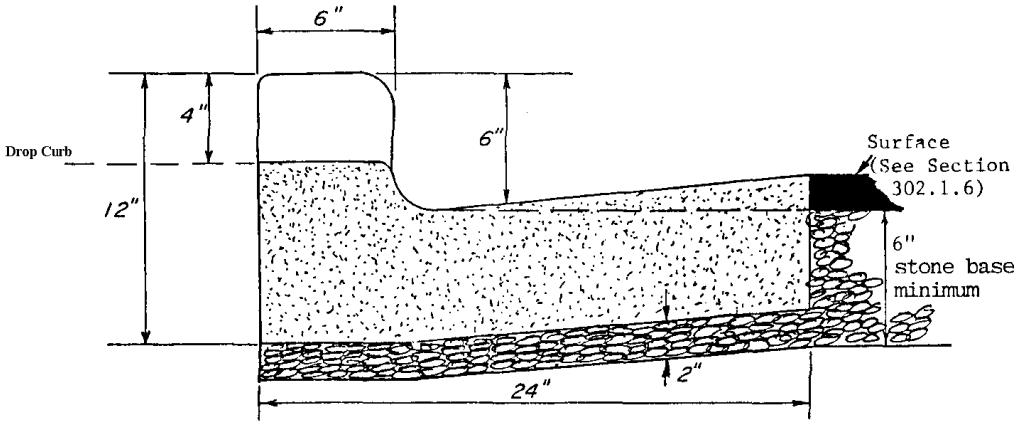
APPENDIX 2 MOUNTABLE EXTRUDED CONCRETE CURB DETAIL

Mountable Extruded Concrete Curb Detail

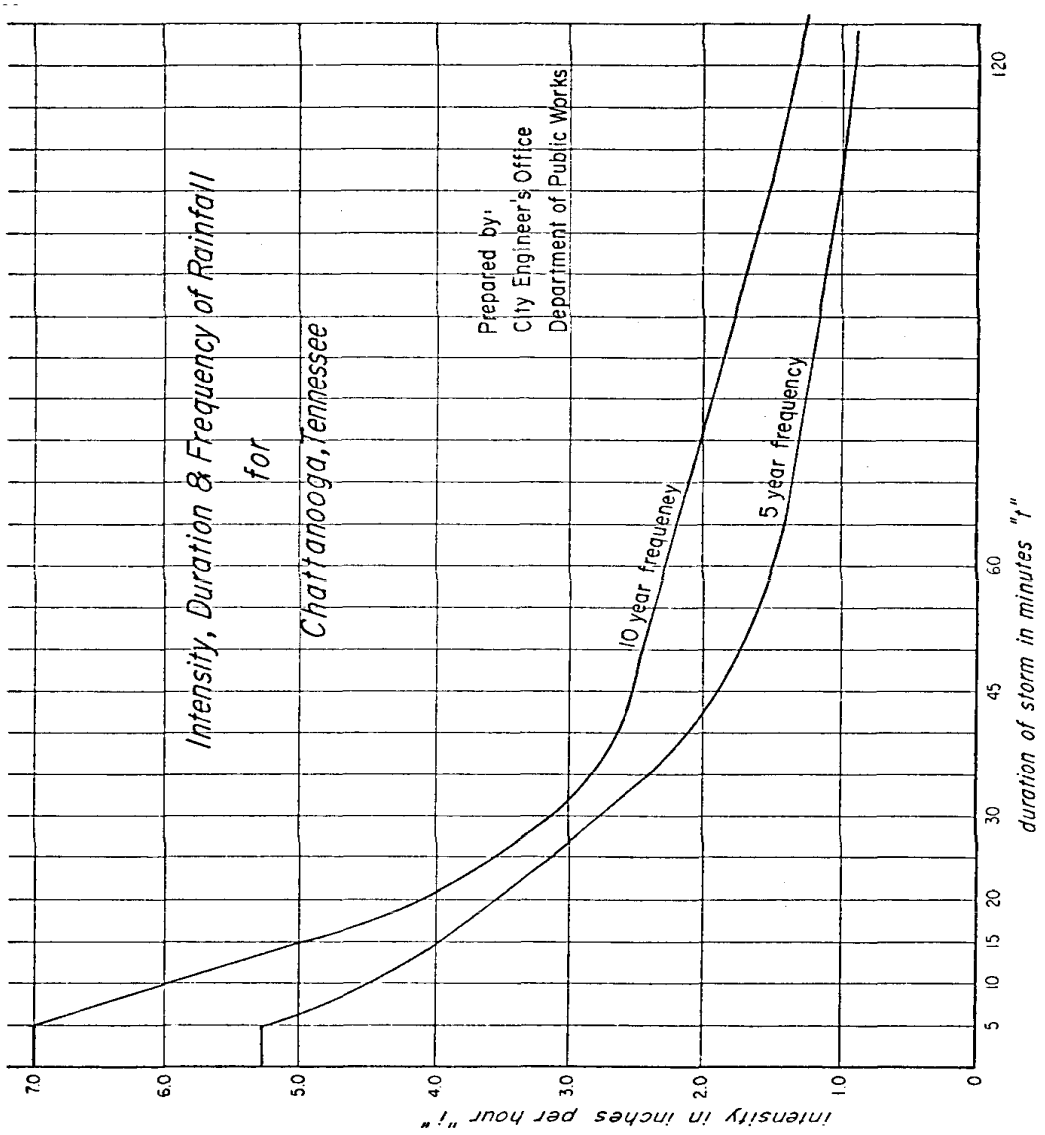


APPENDIX 3 CONCRETE CURB AND GUTTER DETAIL

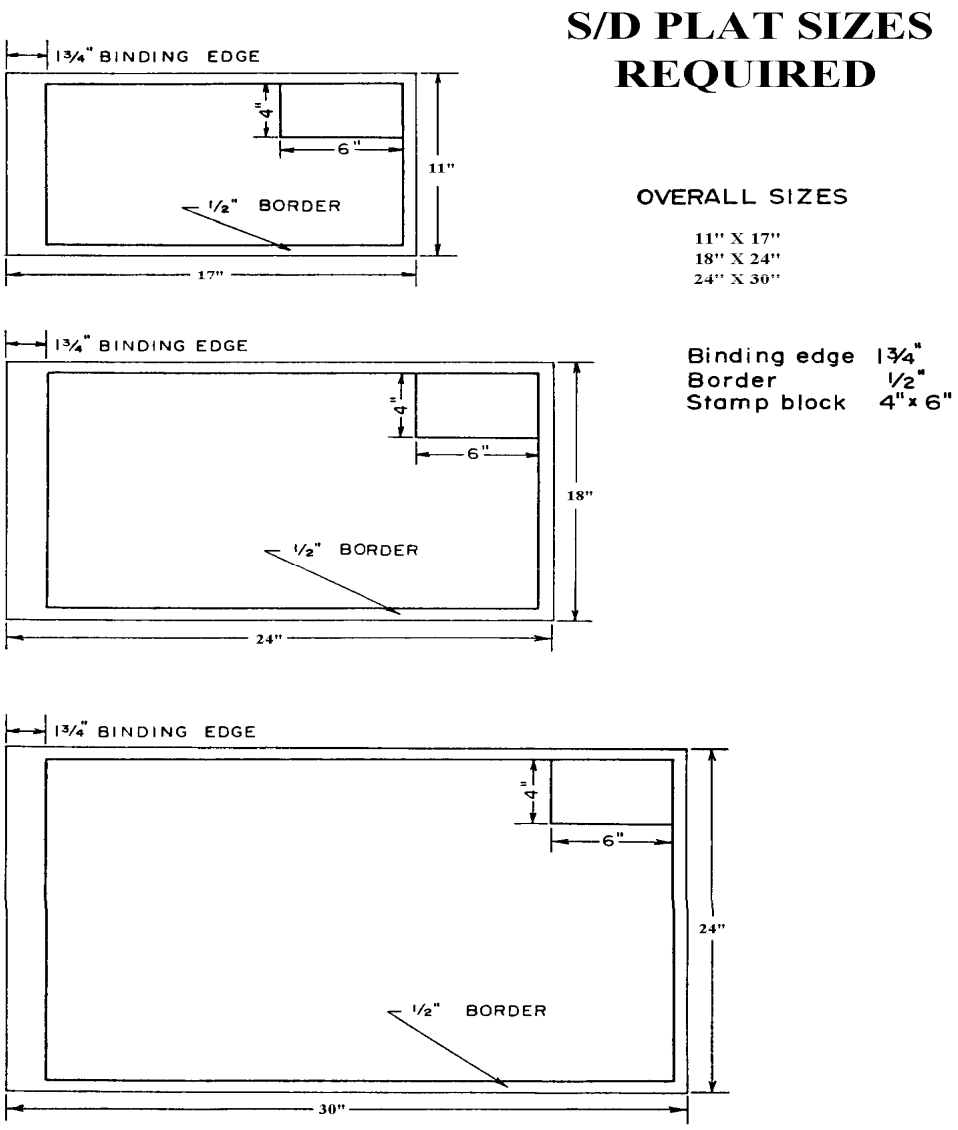
Concrete Curb & Gutter Detail



APPENDIX 4 INTENSITY, DURATION, AND FREQUENCY OF RAINFALL



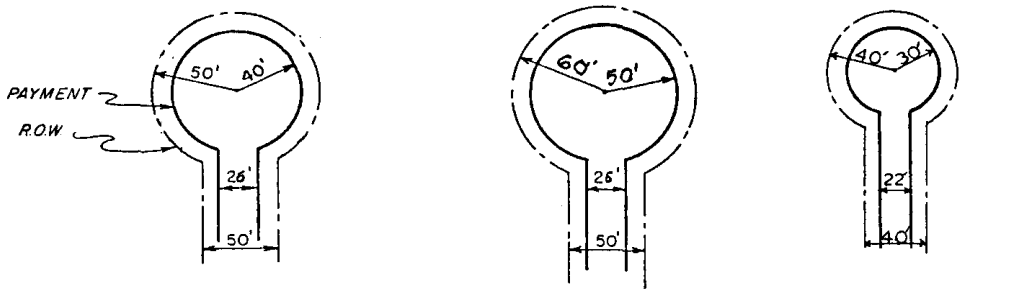
APPENDIX 5 SUBDIVISION PLAT SHEET SIZES AND STAMP BLOCKS



APPENDIX 6 CUL-DE-SAC, MINIMUM DIMENSIONS

CUL-DE-SAC MINIMUM DIMENSIONS

WITHOUT PLANTED MEDIAN:

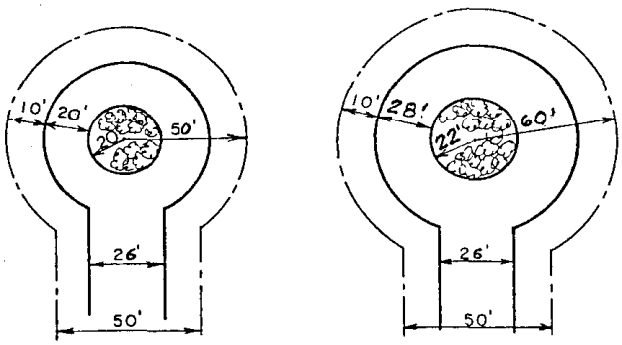


regular

where school buses must turn around

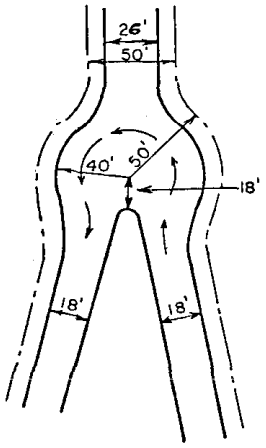
short cul-de-sac

WITH PLANTED MEDIAN:



where school buses must turn around

END OF SPLIT ROADS



APPENDIX

APPENDIX A. SPECIAL PROGRAM FEES

1. Each application for a Land Disturbance Permit shall be accompanied by a minimum nonrefundable fee of $100 plus an additional $5 per each additional disturbance acre, or part thereof, in excess of one (1) acre.
2. Each application for a Runoff Management Permit shall be accompanied by a minimum nonrefundable fee of $100 plus an additional $5 per each additional disturbance acre, or part thereof, in excess of one (1) acre.
3. If an inspector returns to a specific site out of the normal inspection sequence, an Erosion Control Non-Compliance Re-inspection Fee of $50 will be assessed for each inspection visit prompted by erosion control measures found out to be out of compliance with permit requirements.
4. Each application for a Non-Storm Water Discharge Permit shall be accompanied by a minimum nonrefundable fee of $150 per facility.
5. Residential developments containing a common retention/detention facility shall be charged a Lifetime Operation and Maintenance Fee based on total pound volume computed from the design water level associated with a 25-year storm event:
    a. Dry detention basin: $2,500 per acre-foot of pond volume.
    b. Retention (wet)/detention basin: $5,000 per acre-foot of pond volume. Under this fee neither Hamilton County nor the program accepts responsibility for the upkeep, maintenance, and/or operation of basin amenities such as retaining walls, shoreline treatments, walkways, boardwalks, docks, fountains, mechanical aeration devices, lighting, and other aesthetic enhancements. Provisions for the maintenance and operation of such amenities must be included in the facility's runoff management plan.

(as added by Ord. #161, Oct. 2005)

APPENDIX B. STORM WATER MANAGEMENT ENFORCEMENT PROTOCOL

The following protocol shall be employed in enforcement of this ordinance, subject to the authority of the Management Committee to make reasonable adjustments to the civil penalties mandated hereinafter to reflect the specifics of each enforcement action.

At any time, a show cause hearing may be ordered if this protocol is unclear or inadequate to address specific violations of the ordinance. This protocol does not in any way deter the Storm Water Manager from entering into a consent order to eliminate illicit discharges in lieu of other enforcement actions.

This protocol may be adjusted and amended from time to time by action of the Management Committee and approval by the Hamilton County Commission.

1. Land Disturbing Activities Without Obtaining Necessary Land Disturbing Permit

   (a) First Offense (Property Owner and Contractor) - Cease and desist order; notice of violation; obtain required permit including payment of associated fee; civil penalty equal to cost of permit.

   (b) Second Offense (Property Owner and Contractor) - Cease and desist order; notice of violation; obtain required permit including payment of associated fee; issuance of civil penalty of $500.00 plus damages consisting of cost of permit and costs to the Program associated with the enforcement of article.

   (c) Each Additional Offense (Property Owner and Contractor) - Cease and desist order; notice of violation; obtain required permit including payment of associated fee; issuance of civil penalty of $1,000.00 plus damages consisting of cost of permit and three times the costs to the Program associated with the enforcement of article.

   (d) Failure to Properly Transfer Land Disturbing Permit - Cost of new permit.

   (e) Failure to Request Extension of Permit - Cost of new permit.

   Note: Enforcement under this guidance is contractor- and property owner-specific, not site-specific. For instance, if Contractor A receives a notice of violation for a first offense, a civil penalty is to be issued against Contractor A for the second offense occurring within three (3) years of the previous notice of an offense, regardless of the property owner or location.

2. Failure to Comply with Required Sediment and Erosion Control Procedures (These protocols are enforceable on all land disturbance sites, including sites which are not required to obtain a Land Disturbance Permit).

   (a) Failure to Install, Maintain, or Use Proper Construction Entrance (Tracking Mud on Street)

      (1) First Offense - Notice of violation issued to permit applicant (or responsible party, if no permit is required) including a directive to remove mud, debris, or construction materials deposited in a public roadway. If the Program Manager determines that the deposited materials represent an immediate danger to the public health or welfare, the Program will have said materials removed as quickly as practical without notice to any party. Costs for such removal by the Program will be assessed against the permit applicant or responsible party as deemed appropriate by the Program Manager.

      (2) Second Offense - Issuance of civil penalty against permit applicant (or responsible party, if no permit is required) of $100.00 per day; issuance of a directive to remove mud, debris, or construction materials deposited in a public roadway. If the Program Manager determines that the deposited materials represent an immediate danger to the public health or welfare, the Program will have said materials removed as quickly as practical without notice to any party. Costs for such removal by the Program will be assessed against the permit applicant or responsible party as deemed appropriate by the Program Manager.

      (3) Each Additional Offense - Issuance of civil penalty against permit applicant (or responsible party, if no permit is required) of $250.00 per day; issuance of a directive to remove mud, debris, or construction materials deposited in a public roadway. If the Program Manager determines that the deposited materials represent an immediate danger to the public health or welfare, the Program will have said materials removed as quickly as practical without notice to any party. Costs for such removal by the Program, including any costs sustained by the affected municipality, will be assessed against the permit applicant or responsible party as deemed appropriate by the Program Manager. The Program Manager

may, at his discretion, issue a cease and desist order to the project effective until the deficiencies with the construction entrance are rectified.

Note: Failure to Act as Directed - Failure of the permit applicant (or responsible party, if no permit is required) to remove any mud, debris, or construction material that is deposited in a public roadway, within the time period specified in the directive included in the notice of violation, will lead to an additional civil penalty of $250.00 per incident plus three times the cost of the Program's expenses to have the material removed to protect the safety of the public.

(b) Failure to Install, Maintain, or Use Proper Structural Erosion or Sediment Controls During the Conduct of a Land Disturbance Activity (Sediment Discharge)

(1) First Offense - Notice of violation issued to permit applicant (or responsible party, if no permit required). Notice of violation will require the immediate clean-up of sediment discharged into streets, rights-of-way, or storm water structures. Notice of violation will also require the correction of all erosion and sediment control deficiencies within a specified time frame. If the Program Manager determines that the discharged sediments or the deficient erosion and sediment controls represent an immediate danger to the public health or welfare or an imminent threat to the water environment, the Program will have the sediments removed and/or the required controls installed as quickly as practical without notice to the responsible party. Costs for such actions by the Program will be assessed against the permit applicant or responsible party as deemed appropriate by the Program Manager.

(2) Second Offense - Notice of Violation issued to land disturbing permit applicant (or responsible party, if no permit is required); "stop work order" enforced until necessary erosion and sedimentation controls are installed or maintained. Formerly permit-exempt projects will be required to obtain land disturbing permit. Notice of Violation will require the immediate clean-up of sediment discharged into streets, rights-of-way, or storm water structures or conveyances. Notice of violation will also require the correction of all erosion and sediment control deficiencies within a specified time frame. If the Program Manager determines that the discharged sediments or the deficient erosion and sediment controls represent an immediate danger to the public health or welfare or an imminent threat to the water environment, the Program will have the sediments removed and/or the required controls installed as quickly as practical without notice to any party. Costs for such actions by the Program will be assessed against the permit applicant or responsible party as deemed appropriate by the Program Manager.

(3) Each Additional Offense - Issuance of civil penalty of $500.00 per discharge point per discharge to permit applicant; notice of violation issued to land disturbing permit applicant; "stop work order" enforced until necessary erosion and sedimentation controls are installed or maintained. Notice of violation will require the immediate clean-up of sediment discharged into streets, rights-of-way, or storm water structures or conveyances. Notice of violation will also require the correction of all erosion and sediment control deficiencies within a specified time frame. If the Program Manager determines that the discharged sediments and/or the deficient erosion and sediment controls represent an immediate danger to the public health or welfare or an imminent threat to the water environment, the Program will have the sediments removed and/or the required controls installed as quickly as practical without notice to any party. Costs for such actions by the Program will be assessed against the permit applicant.

Note: Failure to Act as Directed - Failure of the permit applicant or responsible party (if no permit is required) to remove any discharged sediments and/or install erosion and sediment control measures within the time period specified in the directive included in the notice of violation will lead to an additional civil penalty of $250.00 per incident plus three times the cost of the Program's expenses to have the material removed and/or install the required measures.

(c) Failure to Install, Maintain, or Use Proper Structural Erosion or Sediment Controls Following Completion of a Land Disturbance Activity (Sediment Discharge)

(1) Site Requiring a Land Disturbance Permit - Issuance against property owner of notice of violation for the release of unacceptable amounts of sediments from the site following the submission to the Program of a "Notice of Termination" of temporary site erosion and sediment controls. Notice of violation will require the immediate clean-up of sediment discharged into streets, rights-of-way, or storm water structures and conveyances. Notice of violation will also require the correction of all erosion and sediment control deficiencies within a specified time frame. Mandatory correction measures may include the installation of temporary erosion and sediment controls. If the Program Manager determines that the discharged sediments represent an immediate danger to the public health or welfare or an imminent threat to the water environment, the Program will have the sediments removed as quickly as practical without notice to the property owner. Costs for such actions by the Program will be assessed against the property owner.

(2) Site Not Requiring a Land Disturbance Permit - Issuance of notice of violation requiring the immediate clean-up of sediment discharged into streets, rights-of-way, or storm water structures or conveyances. Notice of violation will also require the correction of all erosion and sediment control deficiencies within a specified time frame. Mandatory correction measures may include the installation of temporary erosion and sediment controls. If the Program Manager determines that the discharged sediments represent an immediate danger to the public health or welfare or an imminent threat to the water environment, the Program will have the sediments removed as quickly as practical without notice to the property owner. Costs for such actions by the Program will be assessed against the property owner.

Note: Failure to Act as Directed - Failure of the property owner to remove any discharged sediments and/or install erosion and sediment control measures within the time period specified in the directive included in the notice of violation will lead to an additional civil penalty of $250.00 per incident plus three times the cost of the Program's expenses to have the material removed and/or install the required measures.

3. Failure to Comply with Approved Runoff Management Plan

(a) Upon Discovery of Variation with Approved Plan - Written notification to the permit applicant that construction does not match approved plans and that if modifications are to be accepted, revised plans must be submitted for review and approval. Submittal of revised plans shall require payment of an additional permit review fee.

(b) Failure to Conform with Approved Plan - Program Inspectors shall not authorize issuance of a "Certificate of Occupancy" or "Final Plat Approval" until runoff management measures complying with an approved plan are fully operational.

4. Failure to Satisfy Minimum Runoff Quality Objectives (Permitted and/or Previously Occupied Sites)

(a) Upon Discovery of Runoff Quality Violation - A notice of violation and compliance order shall be issued to the property owner giving a minimum of 14 calendar days up to a maximum of 60 calendar days, at the discretion of the Program Manager, to submit a remedial Runoff Management Plan describing the measures proposed to bring the site into compliance with runoff quality objectives. Conformance with a previously approved Runoff Management Plan shall not relieve a site from the requirement to meet runoff quality objectives. Submittal of the remedial plan shall require payment of a permit review fee.

(b) Resubmittal of Remedial Runoff Management Plans - The remedial plan may be rejected or contingently approved with additions, deletions, and/or revisions mandated by the Program staff. The property owner shall have 14 calendar days to revise and resubmit a rejected or contingently approved remedial plan. Failure to resubmit an acceptable plan within this time limit shall constitute a violation of the compliance order.

(c) Upon Approval of the Remedial Runoff Management Plan - Concurrently with the approval of a remedial Runoff Management Plan, a compliance order shall be issued to the property owner giving a maximum of 120 calendar days to install the improvements required to bring the site into compliance with runoff quality objectives. If the Program Manager determines that the site poses an imminent threat to the water environment, the time allowed in the compliance order to install the runoff management measures will be reduced, but said time limit shall not be less than 14 calendar days.

Note: Failure to Meet Compliance Order Dates - Issuance of civil penalty against the property owner of $100.00 per day for each day compliance directives are not met. Should the compliance date be exceeded by more than 60 calendar days, the Program Manager may increase the civil penalty to $1,000.00 per day for each day compliance directives are not met. After 120 calendar days, the Program Manager may increase the civil penalty to $5,000.00 per day for each day compliance directives are not met.

5. Failure to Properly Operate and/or Maintain a Storm Water Retention/Detention Basin Constructed as Part of an Accepted Runoff Management Plan

(a) Notice of Violation and Compliance Order - A notice of violation and compliance order shall be issued to the property owner giving a maximum of 30 days to restore a retention/detention basin to an acceptable level of maintenance and/or effective operation.

(b) Failure to Meet Compliance Order Date - Issuance of a civil penalty against the property owner of $1,000.00 per occurrence for each day during which storm water is discharged from the retention/detention basin between the expiration of the restoration period allowed by the compliance order and the date of completion of the restoration of the retention/detention basin as determined by the Program Manager.

6. Illicit Discharges (Non-residential, Non-accidental)

(a) First Offense - Notice of violation issued to responsible party for non-storm water discharge. A copy of the notice of violation will be sent to the Tennessee Department of Environment and Conservation (TDEC) for separate civil and/or criminal enforcement action.

(b) Second Offense - Issuance of notice of violation and civil penalty against responsible party of $1,000.00. A copy of the notice of violation will be sent to the TDEC for separate civil and/or criminal enforcement action. The amount of the civil penalty assessed by the Program will be reduced by the amount of any penalty imposed by TDEC up to the full amount of the Program's civil penalty.

(c) Each Additional Offense - Issuance of notice of violation and civil penalty against responsible party of $2,500.00. A copy of the notice of violation will be sent to TDEC for separate civil and/or criminal enforcement action. The amount of the civil penalty assessed by the Program will be reduced by the amount of any penalty imposed by TDEC up to the full amount of the Program's civil penalty.

(d) Additional Damages - Additional damages consisting of Program expenses to clean up illicit discharge will be passed on to violator starting with the first offense. Additional damages may include other items such as the costs avoided by not properly using the sanitary sewer system or other disposal method.

7. Illicit Discharges (Non-residential, Accidental)

(a) Accidental Illicit Discharges - An accidental illicit discharge, properly reported as such to the Program not later than 4:00 p.m. of the business day immediately following the incident, will not subject to enforcement as an illicit discharge. However, the responsible party may be held liable for clean-up costs and other damages to the Program. Failure to report an accidental discharge as described above shall subject such discharge to the enforcement actions described hereinbefore for non-accidental illicit discharges. The Program staff will notify TDEC of all reported accidental discharges.

8. Illicit Discharges (Residential Other than Wastewater Discharge)

(a) Each Offense - Enforcement action based on individual action. Examples: Deliberate dumping of pesticides, used motor oil, or other hazardous or dangerous chemical into storm drainage system would result in issuance of civil penalty including damages. The amount of the assessed civil penalty shall not be less than $50.00 or more than $500.00 as determined by the Program Manager. The Program staff will notify TDEC of all illicit discharges.

(as added by Ord. #161, Oct. 2005)

CODE COMPARATIVE TABLE

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance No.	Date	Section	Section this Code
263	7-17-2018	1	13-104
268	5-21-2019	1—10	Adopt. Ord., p.xi
264	1-15-2019	1	12-103
		2	12-301
		Added	12-303
		Rnbd	12-303—12-307
		as	12-304—12-308
265	1-15-2019	1	8-209
266	3-19-2019	1	1-102
267	3-19-2019	1 Dltd	6-101—6-109
		Added	6-101
271	6-18-2019	1 Added	5-105
272	6-18-2019	Dltd	10-101—10-110
			10-201—10-210
		Added	10-

			101—10-112
			10-201—10-216
			10-301—10-305
			10-401—10-406
			10-501—10-506
			10-601—10-603
			10-701, 10-702
			10-801—10-809
			10-901—10-910
			10-1001—10-1006
			10-1101—10-1106
274	5-19-2020	1	12-103
277	9-15-2020	1	9-201
			9-204(2), (3)(b),

			(3)(c)
			9-210
278	9-15-2020		1-101
279	11-17-2020	1	12-103(2)
285	11-16-2021	1	12-101
		2	12-201
		3	12-401
		4	12-501
		5	12-601
		6	12-701, 12-702
		8	12-801
		9	12-802
287	2-15-2022	1	7-201
292	8-16-2022	1	11-402
293	8-16-2022	1 Rpld	11-601—11-603
		Added	11-601—11-602
294	2-21-2023	1 Rpld	5-103—5-105
		2 Added	5-401—5-414
298	9-19-2023	1 Added	14-601—14-603
299	7-18-2023	1	1-103
300	9-19-2023	1—99	14-301
301	8-15-2023	1 Rnbd	9-401—9-416
		as	9-501—

			9-516
		Rnbd	9-301—9-303
		as	9-401—9-403
		Added	9-301—9-302
302	9-19-2023	1 Added	2-201—2-205
303	9-19-2023	2	5-401—5-414
304	9-19-2023	1 Added	20-201—20-218