

**THE
LA GRANGE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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TOWN OF LA GRANGE, TENNESSEE

MAYOR

John P. Walker, Jr.

VICE MAYOR

Jill W. Cox

ALDERMEN

M. Eileen Cowan

Paul Ince

Gregory G. Kinney

Rhonda Nolan

Earl Smith

CITY CLERK/RECORDER

Vera Downen

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

The able assistance of the codes team: Kelley Myers, Codification Coordinator, Linda Winstead, Nancy Gibson and Sandy Selvage, Administrative Specialists, is gratefully acknowledged.

Legal Consultant

ORDINANCE ADOPTION PROCEDURES

No procedures for adoption of ordinances are prescribed by the La Grange charter. The board of mayor and aldermen has adopted the following procedures by ordinance:

Any action of the board having a regulatory or penal effect, awarding franchises or required to be done by ordinance under the charter of La Grange or the general laws of the state, shall be done by ordinance. Other actions of the board may be accomplished by resolutions or motions. Ordinances and resolutions shall be furnished to each member of the board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of La Grange." An affirmative vote of a majority of the board of mayor and aldermen, present at the meeting, shall be necessary for the passage of any ordinance, resolution or motion. Every ordinance must be read and approved on two (2) readings to be held on separate dates but before it becomes effective it shall be signed and approved by the Mayor and attested by the town recorder. (Ord. #2005-001, March 2005)

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. VICE MAYOR.
4. RECORDER.
5. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Ordinance adoption procedures.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the second Monday of each month at the town hall or any place specified by notice. (1993 Code, § 1-101, modified)

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

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

²Charter references

Charter: §§ 2, 5, and 6.

- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1993 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1993 Code, § 1-103, modified)

1-104. Ordinance adoption procedures. Any action of the board having a regulatory or penal effect, awarding franchises or required to be done by ordinance under the charter of La Grange or the general laws of the state, shall be done by ordinance. Other actions of the board may be accomplished by resolutions or motions. Ordinances and resolutions shall be furnished to each member of the board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of La Grange." An affirmative vote of a majority of the board of mayor and aldermen, present at the meeting, shall be necessary for the passage of any ordinance, resolution or motion. Every ordinance must be read and approved on two (2) readings to be held on separate dates but before it becomes effective it shall be signed and approved by the mayor and attested by the town recorder. (Ord. #2005-01, March 2005)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1993 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1993 Code, § 1-202)

¹Charter references
§§ 3, 7, and 18.

CHAPTER 3**VICE-MAYOR****SECTION**

1-301. Appointment.

1-302. Powers and duties.

1-303. Vacancy in the office of mayor.

1-301. Appointment. The board of mayor and aldermen, at the first regular meeting following each biennial election, shall elect from its membership an alderman to be a vice-mayor for a term of two (2) years. (1993 Code, § 1-301)

1-302. Powers and duties. The vice-mayor shall have and perform the same powers and duties of the mayor during the mayor's temporary absence or inability to act. (1993 Code, § 1-302)

1-303. Vacancy in the office of mayor. When a vacancy occurs in the office of mayor, the vice-mayor shall immediately assume the office of mayor for the remainder of the unexpired term. (1993 Code, § 1-303)

CHAPTER 4**RECORDER¹****SECTION**

1-401. To be bonded.

1-402. To keep minutes, etc.

1-403. To perform general administrative duties, etc.

1-401. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1993 Code, § 1-401)

1-402. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1993 Code, § 1-402)

1-403. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1993 Code, § 1-403)

¹Charter references

§§ 5(25), 6, 7, 10, 12, 16, and 18.

CHAPTER 5**CODE OF ETHICS**¹**SECTION**

- 1-501. Applicability.
- 1-502. Definitions.
- 1-503. Gift ban.
- 1-504. Gift ban exceptions.
- 1-505. Disposition of gifts.
- 1-506. Disclosure of personal interest by official with vote.
- 1-507. Disclosure of personal interest in nonvoting matters.
- 1-508. Town recorder to maintain disclosure file.
- 1-509. Ethics complaints.

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

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

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

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

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

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

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

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

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

1-510. Violations.

1-501. 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. (Ord. #2007-001, April 2007)

1-502. Definitions For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) "Town" means the municipality of La Grange, Tennessee.
- (2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) "Immediate family" means parents, spouse and children.
- (4) "Personal interest" means:
 - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the town, or is regulated by any agency of the town, or
 - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the town has or is negotiating an acquisition, leasehold, or easement agreement.
 - (c) Any such financial or ownership interest as defined in subsections (a) and (b) above by the officer or employee's spouse or immediate family member. (Ord. #2007-001, April 2007)

1-503. Gift ban. Except as permitted in § 1-504 of this chapter, no covered official or employee, nor any immediate family member of a covered official or employee, shall intentionally or knowingly solicit or accept any gift as defined herein. (Ord. #2007-001, April 2007)

1-504. Gift ban exceptions. Section 1-503 of this chapter is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.
- (3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family,

including any activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this charter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an

officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (Ord. #2007-001, April 2007)

1-505. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. #2007-001, April 2007)

1-506. 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (Ord. #2007-001, April 2007)

1-507. Disclosure of personal interest in nonvoting 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 the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the town recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (Ord. #2007-001, April 2007)

1-508. Town recorder to maintain disclosure file. The town recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed. (Ord. #2007-001, April 2007)

1-509. Ethics complaints. 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. (Ord. #2007-001, April 2007)

1-510. Violations. (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the town 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 to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this chapter. The town attorney may request that the board of mayor and alderman retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against the mayor or a member of the 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 board of mayor and alderman determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and alderman.

(4) When a violation of this chapter also constitutes a violation of the town's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (Ord. #2007-001, April 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

1. TOWN JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1**TOWN JUDGE****SECTION**

3-101. Town judge.

3-101. Town judge. (1) Appointment and term. The town judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, or until the next regular town election to fill vacancies in the office of mayor and/or aldermen next following the appointment of the town judge, whichever period is shorter. The town judge shall serve at the will and pleasure of the board of mayor and aldermen and vacancies in the office of the town judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner and for the same term prescribed for the appointment of the town judge.

(2) Qualifications. The town judge shall be a minimum of twenty-one (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Fayette County. If the town judge for any reason no longer maintains his domicile in Fayette County after his appointment, such removal of his domicile shall automatically create a vacancy in the office of town judge.

(3) Judge pro tem. During the absence of the town judge from his duties for any reason for more than sixty (60) days, or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro term to serve until the town judge returns to his duties or the office of town judge is no longer vacant. The town judge pro tem shall have all the qualifications required, and powers, of the town judge. (1993 Code, § 1-601, modified)

¹Charter reference
§ 5(25) and 10.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Disturbance of proceedings.

3-201. Maintenance of docket. The town 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, penalties and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1993 Code, § 1-602)

3-202. Imposition of fines, penalties, and costs. All fines, penalties, and cost shall be imposed and recorded by the town judge on the town court docket in open court. Every person posting a forfeiture in lieu of court appearance with the clerk of the court, and every person assessed a fine by the town court judge or such person is otherwise ordered by the court to pay costs shall, in addition to any fine assessed by the court or any forfeiture taken, be required to pay to the clerk of the court a fee in the amount of one hundred dollars (\$100.00) in all cases where the defendant is charged with the violation of a ordinance and found guilty whether by trial, submission, or plea of guilty. Such one hundred dollars (\$100.00) shall include all costs due in connection with the case, including the officer's fee, issuance of the warrant, entry on the docket, and all matters pertaining to said case, and shall be paid by the defendant. Where applicable, state litigation taxes shall be charged to the defendant in addition to the standard court costs. Provided, however, that this cost shall not apply to a parking ticket. (Ord. #2004-02, Dec. 2004)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen 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. (1993 Code, § 1-610)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or

unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1993 Code, § 1-611)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1993 Code, § 1-603)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 town 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 town 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. (1993 Code, § 1-604)

3-303. Issuance of subpoenas. The town 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. (1993 Code, § 1-605)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the town 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 remaining in jail pending disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the town court clerk, or in the absence of the clerk, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1993 Code, § 1-606)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1993 Code, § 1-608)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town 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. (1993 Code, § 1-609, modified)

¹State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**SOCIAL SECURITY****SECTION**

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1993 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1993 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1993 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1993 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1993 Code, § 1-705)

4-106. Exemption from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1993 Code, § 1-706)

CHAPTER 2

PERSONNEL REGULATIONS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Use of municipal time, facilities, etc.
- 4-205. Use of position.
- 4-206. Running for elected office by employees.

4-201. Applicability of chapter. This chapter shall apply to all full-time town officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1993 Code, § 1-801)

4-202. Acceptance of gratuities. No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1993 Code, § 1-802)

4-203. Outside employment. No full-time officer or employee of the town shall continue any outside employment, if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his town employment, or is likely to cast discredit upon or create embarrassment for the town. (1993 Code, § 1-803)

4-204. Use of municipal time, facilities, etc. No town officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. (1993 Code, § 1-804)

4-205. Use of position. No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1993 Code, § 1-805)

4-206. Running for elected office by employees. (1) Employees may enjoy the rights of any other citizen of the State of Tennessee to be a candidate for any local political office, including any position on the Town of La Grange's governing body, the board of mayor and aldermen. Employees may also enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities.

(2) The town will not compensate employees for time when the employee is not performing work for the local government. Any time off from work used by the employee for participation in political activities shall be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the town.

(3) Law enforcement officers may engage in political activity, support or be in opposition to any candidate, party or measure in any election when not on duty or acting in such officer's official capacity. When off duty, no officer shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity. Nothing in this section is intended to prohibit any local government employee from expressing his/her political views or from casting his/her vote in all elections. (Ord. #2010-05, Oct. 2010)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedules.
- 4-304. Administrative procedures.

4-301. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #2001-05, January 2002)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

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

Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #2001-05, Jan. 2002)

4-303. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state's travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #2001-05, Jan. 2002)

4-304. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder.

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Competitive bidding required for purchases over \$10,000.00.

5-101. Competitive bidding required for purchases over \$10,000.00. The dollar amount required by the Town of La Grange, Tennessee, pursuant to Tennessee Code Annotated, § 6-56-306, for public advertisement and competitive bidding is increased from two thousand five hundred dollars (\$2,500.00) to a maximum of ten thousand dollars (\$10,000.00). (Ord. #2000-001, Feb. 2000)

¹Charter references
§§ 5, 12, 13, and 15.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES**SECTION**

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable. Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1993 Code, § 6-101)

5-202. When delinquent--penalty and interest. All real and personal property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes. (1993 Code, § 6-102, modified)

CHAPTER 3**PRIVILEGE TAXES**¹**SECTION**

5-301. Tax levied.

5-302. License required.

5-301. 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 state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act.

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax.

¹Municipal code reference

Business, solicitors, peddlers, etc.: title 9

Privilege tax (beer permits): § 8-215.

CHAPTER 4

WHOLESALE BEER TAX¹**SECTION**

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.² (1993 Code, § 6-201)

¹Municipal code reference
Beer: title 8, chapter 1.

²State law reference
Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

6-101. Police officers subject to chief's orders.

6-102. Police officers to preserve law and order, etc.

6-103. When police officers to make arrests.

6-104. Disposition of persons arrested.

6-105. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1993 Code, § 1-501)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (1993 Code, § 1-502)

6-103. When police officers to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1993 Code, § 1-503)

¹Municipal code references

Traffic citations, etc.: title 15, chapter 7.

Municipal offenses: title 11.

6-104. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinances shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the town judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1993 Code, § 1-504)

6-105. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1993 Code, § 1-505)

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. MISCELLANEOUS.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE TOWN LIMITS.
4. FIRE HYDRANTS.

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

- 7-101. Storage of explosives, flammable liquids, etc.
7-102. Gasoline trucks.
7-103. Fireworks prohibited without permit.

7-101. Storage of explosives, flammable liquids, etc. The storage of explosives and blasting agents at any location within the corporate limits is prohibited.

The bulk storage of liquified petroleum gas at any location within the corporate limits is prohibited. (1993 Code, § 7-101)

7-102. Gasoline trucks. No person shall operate or park any gasoline tank truck within the corporate limits at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1993 Code, § 7-102)

7-103. Fireworks prohibited without permit. The manufacture of fireworks of any location within the corporate limits is prohibited. The storage, sale or discharge of fireworks within the corporate limits shall be prohibited without first obtaining a permit from the town recorder. (1993 Code, § 7-103)

¹Municipal code reference
Building, utility, etc. codes: § 12-101

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-201. Establishment, equipment, and membership.

7-202. Objectives.

7-203. Organization, rules, and regulations.

7-204. Records and reports.

7-205. Tenure and compensation of members.

7-206. Chief responsible for training and maintenance.

7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, shall be turned over to and become the property of, the town and the town shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the town. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint. (1993 Code, § 7-201)

7-202. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1993 Code, § 7-202)

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1993 Code, § 7-203)

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit reports on those matters to the board of mayor and aldermen, as the board of mayor and aldermen requires. (1993 Code, § 7-204)

7-205. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1993 Code, § 7-205)

7-206. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (1993 Code, § 7-206)

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1993 Code, § 7-207, modified)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS¹

SECTION

7-301. Restrictions on fire service outside town limits.

7-301. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town owned property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement.² (1993 Code, § 7-301, modified)

¹Municipal charter reference: § 18A.

²Tennessee Code Annotated, § 12-9-101, et seq., is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

Tennessee Code Annotated, § 58-8-101, et seq., is the Mutual Aid and Emergency Disaster Assistance Agreement Aid of 2004 which authorizes such emergency assistance outside city limits. No contract or agreement is required under this law before emergency assistance may be provided outside municipal boundaries.

CHAPTER 4

FIRE HYDRANTS

SECTION

- 7-401. Volume and pressure standards.
- 7-402. Fire hydrants to be color coded.
- 7-403. Water utility notification to fire department.
- 7-404. Filling of booster tanks from hydrants.

7-401. Volume and pressure standards. All water mains and fire hydrants installed in La Grange shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches (6") in diameter. However, large mains shall be installed when necessary to insure that a minimum of five hundred (500) gallons per minutes (gpm) at twenty (20) pounds per square inch (psi) residual pressure is available if the needed fire flow to structures in the area demands such additional flows. Fire hydrants shall be installed in such a manner that there shall be a fire hydrant within five hundred feet (500') of the front entrance of every structure of more than three hundred (300) square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building. (Ord. #2008-01, Jan. 2008)

7-402. Fire hydrants to be color coded. The bonnets and caps of all fire hydrants in La Grange are to be painted and color coded in compliance with NFPA 291 as follows:

COLOR	CLASS	AVAILABLE FLOWS @ 20 P.S.I. RESIDUAL
Blue	AA	1,500 gpm or more
Green	B	1,000 to 1,499 gpm
Orange	B	500-999 gpm
Red	C	Below 500 gpm

The body color all fire hydrants on the La Grange municipal water system shall be chrome/silver paint. (Ord. #2008-01, Jan. 2008)

7-403. Water utility notification to fire department. On an annual basis and by certified mail, the La Grange Water Department shall provide written notification to the fire chief that hydrants with tops painted red cannot be connected directly to a pumper fire truck. The cover letter shall include a complete listing of all Class C fire hydrants in La Grange and shall contain at

least the following words, "The attached list of fire hydrants has been found to have inadequate fire flows and shall not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life safety." A copy of such letter shall be distributed to the mayor. (Ord. #2008-01, Jan. 2008)

7-404. Filling of booster tanks from hydrants. The fire department shall be allowed to fill the booster tanks of any fire apparatus from an available Class C hydrant by using the water system's available pressure only (that is, fire pumps shall not be engaged during refilling operations from a Class C hydrant). (Ord. #2008-01, Jan. 2008)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.

CHAPTER 1

BEER²

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Privilege tax
- 8-109. Beer permits shall be restrictive.
- 8-110. Limitation on number of permits.
- 8-111. Interference with public health, safety, and morals prohibited.
- 8-112. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-113. Prohibited conduct or activities by beer permit holders.
- 8-114. Suspension and revocation of beer permits.
- 8-115. Civil penalty in lieu of suspension or revocation.

8-101. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. The board of mayor and aldermen shall serve

¹State law reference

Tennessee Code Annotated, title 57.

²Municipal code references

Minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5.

State law reference

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

on the beer board without compensation for the term of their election or until their successors shall take office. (Ord. #2001-02, Sept. 2002)

8-102. 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 town 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 each member of the board is given a reasonable notice thereof. The board may adjourn a meeting at any time to another time and place. (Ord. #2001-02, Sept. 2002)

8-103. 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. #2001-02, Sept. 2002)

8-104. 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. #2001-02, Sept. 2002)

8-105. 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 town in accordance with the provisions of this chapter. (Ord. #2001-02, Sept. 2002)

8-106. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #2001-02, Sept. 2002)

8-107. 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), shall be accompanied non-refundable application fee of two hundred and fifty dollars

(\$250.00).¹ Said fee shall be in the form of a cashier's check payable to the Town of La Grange. Each applicant must be a person of good moral character and must certify that they have read and are familiar with the provisions of this chapter. (Ord. #2001-02, Sept. 2002)

8-108. Privilege tax. Effective with the passage of this chapter there is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). 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, of each year, to the Town of La Grange, 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. (Ord. #2001-02, Sept. 2002)

8-109. 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 retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise consumption. The board shall also have the power and authority to make special restrictions on individual permits and to include such restrictions in the permits. 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. (Ord. #2001-02, Sept. 2002)

8-110. Limitation on number of permits. There shall be no more than three (3) permits issued and outstanding at any time. (Ord. #2001-02, Sept. 2002)

8-111. 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 hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer, within one thousand feet (1,000') of any hospital, school, church or other place of public

¹State law reference

Tennessee Code Annotated, § 57-5-108(c).

gathering. The distances shall be measured in a straight line¹ from the nearest corner of the building from which beer will be sold, manufactured or stored to the nearest corner of the building of the hospital, school, church or other place of public gathering. (Ord. #2001-02, Sept. 2002)

8-112. 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. #2001-02, Sept. 2002)

8-113. 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) Make or allow any sale of beer between the hours of 1:00 A.M. and 6:00 A.M. during any night of the week; and between 1:00 A.M. to 12:30 P.M. on Sunday; or on election days before and while the polls are lawfully open.

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter about his premises.

(8) 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.

(9) Serve or sell or allow to be served or sold beer to any person in or on any motor vehicle or allow any person to consume beer while in a motor vehicle parked on his premises.

(10) Allow assaults, fighting, damaging of property and breaches of the peace occurring on or in the premises where beer is sold. (Ord. #2001-02, Sept. 2002)

¹State law reference

See Watkins v. Naifeh, 625 S. W. 2d 104 (1982) and other cases cited therein which establish the straight line method of measurement.

8-114. Suspension and revocation of beer permits. The beer board shall have the power to suspend or 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 suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #2001-02, Sept. 2002)

8-115. Civil penalty in lieu of suspension or revocation. Pursuant to Tennessee Code Annotated, § 57-5-108(a)(2), the board may assess a civil penalty against a permit holder in lieu of suspension or revocation of said permit. Such penalty may be up to one thousand five hundred dollars (\$1,500.00) for each offense of making or allowing sales to minors and up to one thousand dollars (\$1,000.00) for any other violation. The permit holder will have seven (7) days to pay the aforementioned penalty before the suspension or revocation takes effect. Payment of the penalty does not effect the permit holders right to seek judicial review of the suspension or revocation pursuant to the general laws of the State of Tennessee. (Ord. #2001-02, Sept. 2002)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. ADULT-ORIENTED BUSINESSES.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violations and penalty.

9-101. 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, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

¹Municipal code references

Health and sanitation: title 13.

Junk yards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code reference

Trespass by peddlers, etc.: § 11-801(5).

(2) "Solicitor," means any person, firm or corporation who goes from dwelling to dwelling, business to business, 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 and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes," means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the town or from door to door, business to business, place to place, or from street to street, 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 organization shall qualify as a "charitable" or "religious" organization unless the organization

(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 similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Fayette County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions," means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Street barker," means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(6) "Transient vendor¹," means any person 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 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, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle 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. (1993 Code, § 5-101)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (1993 Code, § 5-102)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (1993 Code, § 5-103)

¹Municipal code reference

State law

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, § 67-4-709(a)(19). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of fifty dollar (\$50.00) for each fourteen (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).

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitation, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the town recorder, the town recorder shall submit to the chief of police a copy of the application form and the permit. (1993 Code, § 5-104)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions 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 town.

(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.

(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 business or merchandise or to his 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 town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (1993 Code, § 5-105)

9-106. Restrictions on transient vendors. A transient vendor shall not 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. (1993 Code, § 5-106)

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1993 Code, § 5-107)

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the town recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the town recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1993 Code, § 5-108)

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire six (6) months after the date of issuance. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of

solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1993 Code, § 5-109)

9-110. Violations and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (1993 Code, § 5-110)

CHAPTER 2

YARD SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Advertising signs.
- 9-211. Persons exempted from chapter.
- 9-212. Violations and penalty.

9-201. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance,¹ for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (1993 Code, § 5-201)

9-202. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (1993 Code, § 5-202)

¹Municipal code reference

Zoning ordinance: title 14, chapter 3.

9-203. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the town recorder. Members of more than one (1) residence may join in obtaining a permit for a garage sale to be conducted at the residence of one (1) of them. Permits may be obtained for any nonresidential location. (1993 Code, § 5-203)

9-204. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the town recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed garage sale is to be held.
- (c) The date or dates upon which the sale shall be held.
- (d) The date or dates of any other garage sales by the same applicant or applicants within the current calendar year.
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.

(f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Permit fee. An administrative processing fee of five dollars (\$5.00) for the issuance of such permit shall accompany the application.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the town recorder shall issue a permit. (1993 Code, § 5-204)

9-205. Permit conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than three (3) such permits may be issued to one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any nonresidential location during any calendar year. (1993 Code, § 5-205)

9-206. Hours of operation. Such garage sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. of three (3) consecutive days or two (2) consecutive weekends (Saturday and Sunday). (1993 Code, § 5-206)

9-207. Exceptions. (1) If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the town recorder shall issue another permit to the applicant for a garage sale to be

conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Fourth sale permitted. A fourth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the town recorder. (1993 Code, § 5-207)

9-208. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (1993 Code, § 5-208)

9-209. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any town official. (1993 Code, § 5-209)

9-210. Advertising signs. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two (2) signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed on the final sale day at the close of the garage sale activities. (1993 Code, § 5-210)

9-211. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of La Grange, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in

which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (1993 Code, § 5-211)

9-212. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provisions of this municipal code of ordinances. (1993 Code, § 5-212)

CHAPTER 3

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. License required.
- 9-304. Application for license.
- 9-305. Standards for issuance of license.
- 9-306. Permit required.
- 9-307. Application for permit.
- 9-308. Standards for issuance of permit.
- 9-309. Fees.
- 9-310. Display of license or permit.
- 9-311. Renewal of license or permit.
- 9-312. Revocation of license or permit.
- 9-313. Hours of operation.
- 9-314. Responsibilities of the operator.
- 9-315. Prohibitions and unlawful sexual acts.
- 9-316. Penalties and prosecution.

9-301. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. It is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. (Ord. #2008-03, Dec. 2008)

9-302. 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 having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind 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, and

in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(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-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 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.

(4) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," 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.

(5) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly 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.

(6) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly 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.

(7) "Board" means the Board of Mayor and Aldermen of the Town of La Grange, 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) "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.

(12) "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. (Ord. #2008-03, Dec. 2008)

9-303. 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 town without first obtaining a license to operate issued by the Town of La Grange.

(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 chapter must submit an application for a license within on 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 day (120) 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. (Ord. #2008-03, Dec. 2008)

9-304. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the police chief of the Town of La Grange. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the town recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. 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, town 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 town 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"x2") 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.

(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 Town of La Grange, 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 mayor 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 police department, the police chief 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 police chief 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.

(4) Whenever an application is denied or held for further investigation, the police chief 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, 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 and no agreement is reached with the applicant concerning the basis for denial, the town attorney shall institute suit for declaratory judgment in the Chancery Court of Fayette 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 police chief. (Ord. #2008-03, Dec. 2008)

9-305. 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 § 9-304 shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under § 9-304 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 police department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application. (Ord. #2008-03, Dec. 2008)

9-306. 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 police chief. (Ord. #2008-03, Dec. 2008)

9-307. Application for permit. (1) Any person desiring to secure a permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the town recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. 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 town 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 town 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"x2") of the applicant.

(i) The length of time the applicant has been a resident of the Town of La Grange, 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 police department, the police chief 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 police chief 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 police chief 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 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 police chief. (Ord. #2008-03, Dec. 2008)

9-308. 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 police department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application. (Ord. #2008-03, Dec. 2008)

9-309. 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 (1/2) 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 (1/2) of the fee shall be returned. (Ord. #2008-03, Dec. 2008)

9-310. 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 police department, or any person designated by the board of mayor and aldermen. (Ord. #2008-03, Dec. 2008)

9-311. 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 police chief. 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 police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the town recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board.

(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 (1/2) of the total fees collected shall be returned.

(3) If the police department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(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 police chief. 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 police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the town recorder and to the employee. The application for renewal shall be upon a form provided

by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board.

(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 (1/2) of the fee shall be returned.

(6) If the police department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (Ord. #2008-03, Dec. 2008)

9-312. Revocation of license or permit. (1) The police chief 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 board 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 board 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 Fayette 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 police chief, 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, 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. (Ord. #2008-03, Dec. 2008)

9-313. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the La Grange Police Department, the Fayette County Sheriff's Department, or such other persons as the board may designate. (Ord. #2008-03, Dec. 2008)

9-314. 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. 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 by police upon demand of a member of the La Grange Police Department 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 entertainer 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 the police department 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 Town of
La Grange 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. (Ord. #2008-03, Dec. 2008)

9-315. 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. (Ord. #2008-03, Dec. 2008)

9-316. 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. (Ord. #2008-03, Dec. 2008)

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOGS.

CHAPTER 1**IN GENERAL****SECTION**

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

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1993 Code, § 3-101)

10-102. Swine prohibited. Swine are prohibited within the corporate limits. (1993 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1993 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1993 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1993 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1993 Code, 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1993 Code, § 3-107)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags and collars.
- 10-203. General nuisance dogs.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-113) or other applicable law. (1993 Code, § 3-201)

10-202. Dogs to wear tags and collars. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section and a collar with the owner's name and address/telephone number attached thereto. (1993 Code, § 3-202)

10-203. General nuisance dogs. No persons shall own, keep, or harbor any dog which is a general nuisance to the neighborhood. (1993 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1993 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1993 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1993 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (1993 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman¹ or other properly designated officer. (1993 Code, § 3-208)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S. W. 2d 661 (1927).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. GAMBLING, FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PERSON.
5. OFFENSES AGAINST THE PEACE AND QUIET.
6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
7. FIREARMS, WEAPONS AND MISSILES.
8. TRESPASSING AND INTERFERENCE WITH TRAFFIC.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this town also. Any violation of any such law within the corporate limits is also a violation of this section. (1993 Code, 10-101)

¹Municipal code references

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Health and sanitation: title 13.

Residential and utilities: title 12.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking alcoholic beverages in public, etc.

11-202. Minors in beer places.

11-201. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1993 Code, § 10-202)

11-202. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1993 Code, § 10-203)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 3**GAMBLING, FORTUNE TELLING, ETC.****SECTION**

- 11-301. Gambling prohibited.
- 11-302. Promotion of gambling.
- 11-303. Fortune telling, etc.

11-301. Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1993 Code, § 10-301)

11-302. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1993 Code, § 10-302)

11-303. 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. (1993 Code, § 10-303)

CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION

11-401. Assault and battery.

11-401. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person. (1993 Code, § 10-401)

CHAPTER 5**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

11-501. 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. (1993 Code, § 10-501)

11-502. Antinoise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) **Miscellaneous prohibited noises enumerated.** The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing horns.** The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) **Radios, phonographs, etc.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of 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, 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, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Town vehicles. Any vehicle of the town 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 town, 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 board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1993 Code, § 10-502)

CHAPTER 6**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-601. Escape from custody or confinement.

11-602. Impersonating a government officer or employee.

11-603. False emergency alarms.

11-601. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town 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. (1993 Code, § 10-601)

11-602. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1993 Code, § 10-602)

11-603. 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. (1993 Code, § 10-603)

CHAPTER 7**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-701. Firearms.

11-702. Air rifles, etc.

11-703. Throwing missiles.

11-701. Firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the town. (1993 Code, § 10-701)

11-702. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1993 Code, § 10-702)

11-703. 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. (1993 Code, § 10-703)

CHAPTER 8

TRESPASSING AND INTERFERENCE WITH TRAFFIC**SECTION**

11-801. Trespassing.

11-802. Interference with traffic.

11-801. Trespassing. (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. 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.¹ (1993 Code, § 10-801)

11-802. 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. (1993 Code, § 10-803)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. MODEL CODES ADOPTED.
2. ELECTRICAL CODE.

CHAPTER 1

MODEL CODES ADOPTED¹

SECTION

- 12-101. Codes adopted.
- 12-102. Standards.
- 12-102. Modifications.
- 12-103. Fees.
- 12-104. Copies available for review.
- 12-105. Violations and penalty.

12-101. Codes adopted. The following codes are hereby adopted by reference as though they were copied herein fully:

International Building Code -- 2012 Edition.

International Fuel Gas Code -- 2012 Edition.

International Mechanical Code -- 2012 Edition.

International Plumbing Code -- 2012 Edition.

International Residential Code -- 2012 Edition.

International Fire Code -- 2012 Edition. (Ord. #2015-01, April 2015, modified)

12-102. Standards. The following equivalent or higher standards shall apply to the 2012 International Building Code (IBC) and/or 2012 International Residential Code (IRC):

- (1) Framing members shall be spaced not more than sixteen inches (16") apart on center in one- and two-family dwellings, except that rafters may be spaced twenty-four inches (24") apart on center provided:

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

(a) Roof sheathing is not less than five-eighths inch (5/8") plywood with approved clips or three-fourths inch (3/4") nominal thickness boards; and

(b) Rafters not nailed directly to ceiling joist are installed at the top plate with approved metal fastening clips.

(2) Lumber grade will not be allowed for wall construction and roof decking three-eighths inch (3/8") thickness or less will not be allowed.

(3) Shelby County, City of Bartlett, or City of Collierville alternative compliance method may be accepted by chief building inspector's discretion if he deems it an equivalent or higher standard.

(4) Toilet facilities conforming to ANSI Z4.3 shall be provided for construction workers, and such facilities shall be maintained in a sanitary condition. (Ord #2015-01, April 2015)

12-103. Modifications. The following modifications to the above listed codes are hereby adopted:

Whenever any code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the codes. (Ord. #2015-01, April 2015)

12-104. Fees. All fees for inspections and permits under the above codes shall be those fees as adopted by the La Grange Board of Mayor and Aldermen by resolution and said fees for inspections and permits may be changed by the La Grange Board of Mayor and Aldermen by resolution. (Ord. #2015-01, April 2015)

12-105. Copies available for review. A full set of the codes herein adopted by reference shall be filed at the Fayette County Planning and Development Office and the Office of the Fayette County Fire Chief.

12-106. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the codes as herein adopted by reference and modified. The violation of any section of this chapter shall be punished by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2015-01, April 2015)

CHAPTER 2**ELECTRICAL CODE**¹**SECTION**

12-201. State and county codes effective within town.

12-201. State and county codes effective within town. The electrical code in effect for the State of Tennessee and Fayette County shall also be effective within the corporate limits and shall be enforced by Fayette County personnel. (1993 Code, § 4-101)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

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

13-101. 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. (1993 Code, § 8-101)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1993 Code, § 8-102)

13-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1993 Code, § 8-103)

¹Municipal code references

Animal and fowls: title 10.

Littering streets, etc.: § 16-107.

Refuse and trash disposal: title 17.

Water and sewers: title 18.

13-104. 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 town recorder and dispose of such animal in such manner as the town recorder shall direct. (1993 Code, § 8-104)

13-105. 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. (1993 Code, § 8-105)

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

13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1993 Code, § 8-501)

TITLE 14**ZONING AND LAND USE CONTROL¹****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. HISTORIC ZONING COMMISSION.
3. ZONING ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1993 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1993 Code, § 11-102)

¹Design Guidelines LaGrange Tennessee is included in its entirety as Appendix B.

CHAPTER 2**HISTORIC ZONING COMMISSION**¹**SECTION**

14-201. Creation and membership.

14-202. Organization, powers, duties, etc.

14-201. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-7-403 there is hereby created a historic zoning commission. The historic zoning commission shall consist of seven (7) members; one (1) of these shall be a representative of a local patriotic or historical organization; one (1) of these shall be an architect, if available; one (1) of these shall be a member of the municipal planning commission, at the time of his appointment, and the other four (4) shall be from the community in general. The historic zoning commission shall be appointed by the mayor subject to confirmation by the board of mayor and aldermen and shall serve without compensation. The terms of members of the historic zoning commission shall be five (5) years each except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members shall expire each year. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor subject to confirmation by the board of mayor and aldermen. (1993 Code, § 11-201)

14-202. Organization, powers, duties, etc. The historic zoning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1993 Code, § 11-202)

¹Design Guidelines La Grange Tennessee is included in its entirety as Appendix B.

CHAPTER 3**ZONING ORDINANCE**¹**SECTION**

14-301. Land use to be governed by zoning ordinance.

14-301. Land use to be governed by zoning ordinance. Land use within the Town of La Grange shall be governed by Ordinance #2012-04, titled "La Grange Municipal Zoning Ordinance," and any amendments and/or successors thereto. The zoning ordinance is included in its entirety in this chapter and its original formatting regarding chapter layout has been retained. MTAS formatting was applied to the content and section numbering for consistency.

¹The official zoning map of the Town of La Grange is located in the office of the recorder.

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CHAPTER I

AUTHORITY, TITLE AND PURPOSE

14-101. Authority. An ordinance, in pursuance of the authority granted by Tennessee Code Annotated, §§ 13-7-201 through 13-7-211 and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts or zones within the Corporate Limits of La Grange, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

This ordinance also is adopted pursuant to Tennessee Code Annotated, § 13-4-310 which permits that a municipal planning commission shall have the power to "recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plans and the establishment under the zoning provisions for review and approval of planned unit developments, overlay districts, mixed use developments, condominiums and other types of sustainable design and development of property." The provision of well-designed and properly constructed infrastructure within said development is vital to health, safety and welfare of the public utilizing said development and the community as a whole. These types of developments typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or non-governmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and non-public roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the planning commission, through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The planning commission may set and hold these guaranteeing instruments or may designate another governmental body that duty and function.

This ordinance also is adopted under authority granted pursuant to Tennessee Code Annotated, §§ 13-7-401 through 13-7-410 for the expressed purpose conveyed under these sections "to promote the educational, cultural, and economic welfare of the people of the State of Tennessee by enabling municipalities and counties to preserve and protect historic structures, areas and districts which serve as visible reminders of the history and cultural heritage of the state and the United States. Furthermore, it is the purpose of this ordinance in conjunction with historic districts or zones as adopted in this and other earlier zoning ordinances under Tennessee Code Annotated,

§ 13-7-404 and duly adopted Review Guidelines as per Tennessee Code Annotated, § 13-7-406 as well as "to strengthen the economy of the state and of the adopting governmental entities by stabilizing and improving the property values in historic areas, by encouraging rehabilitation and new construction and development that will be harmonious with the historic structures, areas and districts, and by preserving and rehabilitating buildings which are of significance to historic districts." (Ord. #2012-04, Nov. 2012)

14-102. Title. This ordinance shall be known and may be cited as the Municipal Zoning Ordinance of La Grange, and the map herein referred to which is identified by the title "Official Zoning Map," and all explanatory matters thereon are hereby adopted and made a part of this ordinance. (Ord. #2012-04, Nov. 2012)

14-103. Purpose. The zoning regulations and districts as herein set forth have been made for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district 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 the town. The historic and rural character of the town shall be preserved in keeping with certification from the Tennessee Historical Commission dated April 4, 1975 that the "La Grange Historic District" had been entered on the "National Register of Historic Places." Any subsequent areas annexed may be subject to such preservation as provided by Tennessee Code Annotated. Rural character preservation and low density development shall be a driving principle whether of historical significance or not. (Ord. #2012-04, Nov. 2012)

CHAPTER II

DEFINITIONS

14-201. Definitions and rules of construction of language in general. In the construction of the language of this ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

- (1) The particular shall control the general.
- (2) The word "shall" is always mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words "piece" or "parcel."
- (5) The word "building" or "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(6) In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall control.

(7) The word "permitted" or words "permitted as of right," means permitted without meeting the requirements of a special exception pursuant to this ordinance, and all other applicable provisions.

(8) Words used in the present tense shall include the future, words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(9) The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of La Grange. The Standard Land Use Coding Manual, provided as a supplement of this ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts. (Ord. #2012-04, Nov. 2012)

14-202. Definitions. (1) "Accessory building or use." A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

An accessory use includes, but is not limited to, the following:

- (a) Off-street motor vehicle parking areas and loading and unloading facilities.
- (b) A garage, shed, or building for domestic storage.
- (c) A children's playhouse, garden house, or private greenhouse.
- (d) Private swimming pools in residential districts.
- (e) Fences.

(2) "Adult oriented businesses." A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented

businesses including movie theaters, bookstores, video rental outlets, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages.

(3) "Agriculture." See Code 81 of the Standard Land Use Coding Manual.

(4) "Agricultural related activities." See Code 82 of the Standard Land Use Coding Manual.

(5) "Alley." Any public or private way set aside for public travel, twenty feet (20') or less in width.

(6) "Amusement." An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual).

(7) "Apartment." A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single-housekeeping unit, and which contains completed kitchen, bath, and toilet facilities, permanently installed.

(8) "Apartment house." A building arranged, intended, or designed to be occupied by two (2) or more families living independently of each other. (See also multiple family dwelling.)

(9) "Automobile storage yard (also junk or salvage yard). Any land use for the parking and/or storage of one (1) or more abandoned or impounded operable vehicles for which compensation is received.

(10) "Bed and breakfast establishment," referred to hereafter as the "establishment," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

(11) "Bed and breakfast homestay" referred to hereafter as the "homestay," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. These shall be considered transient lodging for the purposes of this zoning ordinance.

(12) "Beverage store." A business which is duly licensed for retail sales of either intoxicating liquors or alcoholic beverages having an alcohol content of

not more than five percent (5%) by weight and which otherwise complies with local and state regulations.

(13) "Billboards." See "signs--off-premises."

(14) "Boarding house." A building and accessories thereof principally used, designed or adapted to provide living accommodation for not more than six (6) occupants and having common cooking and dining facilities. For the purposes of this ordinance, boarding houses shall be considered multiple family.

(15) "Buffer strip." A strip of land, established to protect one (1) type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

(16) "Building." A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure. A principal or main building is a building in which is conducted the principal use of the lot on which it is located.

(17) "Building line." The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or open, but does not include steps.

(18) "Building line, established." That line parallel to and a specific setback distance from a front lot line, beyond which a building cannot be constructed within the required yard created.

(19) "Building height." The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

(20) "Bulk" describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

(a) The size (including height and floor area) of buildings or other structures;

(b) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot;

(c) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and

(d) All open areas relating to buildings or other structures and their relationship thereto.

(21) "Building, main or principal." A building in which the primary use of the lot is conducted.

(22) "Building inspector (also zoning compliance officer or building official)." The person designated to enforce the provisions of the La Grange

Zoning Ordinance and other applicable town, state, or federal regulations relating thereto.

(23) "Business service." An establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

(24) "Canopy." An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

(25) "Church." A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

(26) "Clinic." Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

(27) "Commercial." Activities related to the provision of products and services. See retail and wholesale trade, financial, business, personal and professional services.

(28) "Communication." See Code 47 in the Standard Land Use Coding Manual.

(29) "Condominium--residential." A multiple family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

(30) "Cultural activity." Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums (see Code 71 in the Standard Land Use Coding Manual).

(31) "Density." Number of units per acre allowed by this zoning ordinance.

(32) "Discontinuance." The termination or abandonment of the use or occupancy of a site, facility, building or structure of any legally established permitted use.

(33) "District." A section of the municipality for which uniform regulations governing the use, height, area, and intensity of use of buildings and land, and open spaces about buildings are herein established.

(34) "Driveway." A paved or graveled way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

(35) "Dwelling." A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this ordinance, the

term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

(36) "Dwelling--mobile home." See "mobile home."

(37) "Dwelling, multiple family." A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other (in separate dwelling units). (Also see "apartment," "condominium," and "townhouse").

(38) "Dwelling, single-family." A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

(39) "Dwelling, townhouse." An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least two (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see "condominium, residential").

(40) "Dwelling , unit." One (1) or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of multiple family structures.

(41) "Education services." Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standard Land Use Coding Manual).

(42) "Elderly assisted care (see also nursing home)." A facility or development providing elderly care and housing, containing single rooms or other dwelling units which may consist of bedrooms, dinettes, and bathroom facilities, commonly containing group dining halls, recreational areas, and other communal areas provided that twenty-four (24) hour medical care, medical staffing, and other services are required or provided. For the purposes of this ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

(43) "Elderly congregate living (see also nursing home)." A facility or development providing elderly congregate group housing, containing individual dwelling units which may consist of one (1) or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that twenty-four (24) hour medical care and medical staffing is not required or provided. For the purposes of this ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

(44) "Essential services." The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate

services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

(45) "Exterior boundary." See "exterior yard."

(46) "Exterior yard." A yard adjacent to the side or exterior boundaries of a mobile home park, a multiple family development or planned commercial development which is clear of any structures.

(47) "Factory built housing." A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of three (3) types: modular homes, mobile homes and manufactured homes.

(48) "Family." One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

(49) "Finance, insurance and real estate services." Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

(50) "Garage, private." A building or portion thereof for the storage of motor vehicles owned or used by the residents.

(51) "Governmental agency." An agency of the federal, state, or the local government or any combination thereof.

(52) "Governmental services." See Code 67 of the Standard Land Use Coding Manual.

(53) "Grade." The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

(54) "Group home." As defined by Tennessee Code Annotated, §§ 13-24-101 through 13-24-104, a single-family residence in which eight (8) or fewer unrelated persons with a disability reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the persons with a disability residing in the home. This does not apply to such family residences wherein persons with a disability reside when such residences are operated on a commercial basis.

Any group home other than the above shall be considered multiple family.

(55) "Ground sign." Any sign supported by the ground with little or no vertical clearance.

(56) "Habitable space." Areas within the building designed and/or used as living quarters for human beings.

(57) "Hazardous substance." Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Tennessee Code Annotated, § 68-121-102 or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

(58) "Historic district or zone (defined as per Tennessee Code Annotated, § 13-7-404)." Historic districts or zones may be established by a county or municipal legislative body, either as a part of a new zoning ordinance or as an amendment to existing ordinances. For the purpose of this part, "historic district or zone" is defined as a geographically definable area which possesses a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

(a) It is associated with an event which has made a significant contribution to local, state, or national history;

(b) It includes structures associated with the lives of persons significant in local, state, or national history;

(c) It contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(d) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(e) It is listed in the National Register of Historic Places. [Acts 1982, ch. 814, § 1; 1989, ch. 422, § 1.]

(59) "Height." See building, height of.

(60) "Home occupation." An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

(61) "Industry." See manufacturing

(62) "Institution." A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

(63) "Junk or salvage yard (see also automobile storage yard)." Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

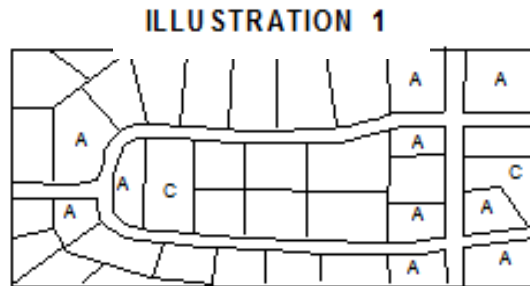
(64) "Landscaping." A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present and aesthetic buffer between properties and adjoining uses or street areas.

(65) "Loading space." An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

(66) "Lot." A parcel of land occupied or unoccupied in one (1) ownership, which may include one (1) or more lots of record. All lots shall front on and have access to a public street.

(a) Lot, corner. A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 1).

(b) Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 1).



(67) "Lot area." The total horizontal area included within lot lines.

(68) "Lot coverage." The lot area covered by all buildings located therein.

(69) "Lot line." The boundary dividing a given lot from a street right-of-way, an alley, or adjacent lots.

(70) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of the La Grange Zoning Ordinance, any subsequent zoning ordinance, or an amendment of the La Grange Zoning Ordinance which applies to the lot in question.

(71) "Lot width." The horizontal measurement at the building line.

(72) "Manufacturing." The production of a product at a fixed site (see Code 21 through 39 in the Standard Land Use Coding Manual).

(73) "Manufactured residential dwelling (See also factory built housing and Tennessee Code Annotated, § 13-24-201)." "Residential dwelling," as used in this ordinance, does not apply to factory-manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, and as further defined in § 68-126-202(4), (6) and (7).

(74) "Metal dismantling operations" are establishments engaged in the breaking up, sorting, or dismantling of metal or machine products restricted to an area inside a building whether principal or accessory for wholesale distribution but not for the purposes of selling secondhand parts (See junk or salvage yard and automobile storage yard for distinction).

(75) "Medical services." Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine. (See Code 651 in the Standard Land Use Coding Manual).

(76) "Mixed use occupancy." The presence of residential and nonresidential uses within the same complex or same building.

(77) "Mobile homes." A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

(78) "Mobile home park." Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purpose, are located, regardless of whether or not a charge is made for such accommodations.

(79) "Mobile home space." The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(80) "Modular home." A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.

(81) "Motor vehicle transportation." Transportation services including bus, taxi and motor freight transportation. (See Code 42 of the Standard Land Use Coding Manual).

(82) "Non-conforming structure." A structure which was lawfully constructed prior to enactment or amendment to this ordinance or any preceding zoning ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(83) "Non-conforming sign." A sign which lawfully existed prior to the adoption of the La Grange Zoning Ordinance, any preceding zoning ordinance, and subsequent amendments but which no longer conforms to the regulations.

(84) "Non-conforming use." Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this ordinance, any preceding zoning ordinance but which no longer complies with the use regulations of the district in which it is located.

(85) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

(86) "Nursery." Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than twenty-four (24) hour periods as provided in Tennessee Code Annotated, §§ 71-3-501 through 71-3-533 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. A building or structure used for the care of children as defined herein. Such a facility normally includes one (1) of the following types.

(a) "Family day care home" means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age who are not related to such person and whose parents and guardians are not residents in the same house, for less than twenty-four (24) hours per day for care without transfer of custody. As used in this definition, "related" means the children, stepchildren, grandchildren, siblings, stepsiblings, nieces and nephews of the primary caregiver; (A license is generally not required for a house providing care for fewer than five (5) children.)

(b) "Group day care home" means any place operated by a person, social agency, corporation, institution, or other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during summer vacation for less than twenty-four (24) hours per day for care outside their own home without transfer of custody.

(c) "Day care center" means any place operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day, without transfer of custody.

(87) "Off-street loading and unloading space." An open hard surfaced area other than a street or a public way, the principal use of which is for standing, loading and unloading of vans, trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

(88) "Parks." An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playfields and picnic areas.

(89) "Parking lot." A parking lot shall mean any land used, provided or permitted to be used for the parking of automobiles.

(90) "Periphery boundary." (See exterior yard).

(91) "Personal services." Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

(92) "Philanthropic institution." An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall

include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

(93) "Pole sign." A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

(94) "Principal building." A building in which is conducted the primary use of the lot on which it is located.

(95) "Principal use." The specific primary purpose for which land or a building is used.

(96) "Professional services." Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services. (See Code 65 in the Standard Land Use Coding Manual).

(97) "Public assembly facility." Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

(98) "Public uses." Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

(99) "Public utility." Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of, or furnishing of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

(100) "Quarrying." Quarrying shall be uniformly defined, for purposes of all municipal zoning regulations, as the extraction, removal and mechanized processing of stone, gravel, phosphate rock, metallic ore, limestone, marble, chert, sand, dimension stone and any other solid mineral or substance of commercial value, except coal and deep metal mining, including but not limited to zinc, found in natural deposits in the earth, for barter or sale. The definition of quarrying shall not include the reuse of these minerals on the same site from which they are extracted. This definition shall have no effect on the exception contained in Tennessee Code Annotated, § 54-1-128. The removal of borrow material from a site and the placement of the same material on a project site without mechanized processing shall not be considered quarrying. Pursuant to Tennessee Code Annotated, § 13-7-201(a)(1), as amended by Public Chapter 217, 2011.

(101) "Real estate sign." A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b."

(102) "Recreational activities." Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities. (See Code 74 of the Standard Land Use Coding Manual).

(103) "Recreational vehicle." A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

(104) "Repair services." Those establishments which fix, mend or overhaul merchandise for households or businesses (See Code 64 in the Standard Land Use Coding Manual).

(105) "Retail trade." Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

(106) "Schools, parochial." An institution of learning owned and/or operated by a recognized church or religious institution.

(107) "Signs." Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on- or off-site as allowed under the regulations of this ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure, or ground mounted, shall include a base, poles, mounts or attachments from the ground level upward. For more specific definitions used in § 14-906.

(108) "Site plan." A plan delineating the overall scheme of the development of a tract including all items as specified in this ordinance.

(109) "Special exception." A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

(110) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

"Half story." A story under a slopping roof, the finished floor area which does not exceed one half (1/2) the floor area of the floor immediately below it, or a basement used for a human occupancy, the floor area of the part of the basement thus used not to exceed fifty percent (50%) of the floor area of the floor immediately above.

(111) "Street. A public or private way which affords the principal means of access to abutting properties. The word "street" shall include the words "road," "highway," and "thoroughfare."

(112) "Street line." The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

(113) "Street center lines." The center of the surface roadway or the surveyed center line of the street.

(114) "Structure." Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something not having a permanent location on the ground.

(115) "Temporary structure." A moveable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis.

(116) "Total floor area." The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

(117) "Townhouse." A townhouse dwelling is an attached single-family dwelling constructed in a row of three (3) to eight (8) single-family dwellings, each dwelling being separated from the adjoining dwellings in each story by a two (2) hour-rated masonry fire wall with no penetrations, such wall extended through the roof two feet (2') and each dwelling having independent access to the exterior in the ground story.

(118) "Toxic materials." Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

(119) "Transient lodging." Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual limited to hotels and motels.

(120) "Travel trailer." A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

(a) Is identified on the unit by the manufacturer as a travel trailer;

(b) Is not more than eight feet (8') in body width;

(c) Is of any weight provided its body length does not exceed twenty-nine feet (29'); or

(d) Is of any length provided its gross weight, factory equipped for the road, does not exceed four thousand five hundred (4,500) pounds.

(121) "Travel trailer park." Any plot of ground which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

(122) "Travel trailer space." The term travel trailer space shall mean a plot of ground within a travel trailer park designated for the accommodation of one (1) travel trailer.

(123) "Usable floor area." Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

(124) "Use." The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

(125) "Use and occupancy permit." A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.

(126) "Utilities." Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See Code 48 in the Standard Land use Coding Manual).

(127) "Variance." A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are:

(a) Undue hardship caused by exceptional physical irregularities of the property; and

(b) Unique circumstances due to the exceptional physical irregularities; and

(c) Strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property.

A variance is not justified unless all three (3) elements are present.

(128) "Veterinary hospital or clinic." Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (See Code 8221 and 8222 Standard Land Use Coding Manual).

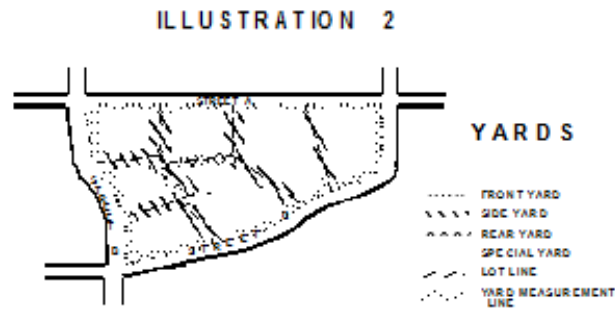
(129) "Warehouse." A structure used exclusively for the storage of merchandise or commodities.

(130) "Wholesale trade." Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

(131) "Yards." Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this ordinance. The measure of a yard shall be

the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

(a) "Front yard." The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards. (See Illustration 2)



(b) "Side yard." The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 2)

(c) "Rear yard." A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 2)

(132) "Yard Sale (also garage sale)." The temporary exhibition of goods on residential or church property for the purpose of selling or trading excluding one (1) motor vehicle, one (1) watercraft, one (1) farm implement, or a combination of two (2) of these exclusions.

(133) "Zoning compliance officer (also building inspector or building official)." The person designated to enforced the provisions of the La Grange Zoning Ordinance and/or other applicable town, state, or federal regulations relating thereto.

(134) "Zoning districts." Any section of the town for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform. (Ord. #2012-04, Nov. 2012, modified)

CHAPTER III

GENERAL PROVISIONS, NONCONFORMING LOTS USE AND STRUCTURES, ACCESS CONTROL AND EXCEPTIONS AND MODIFICATIONS

For the purpose of this ordinance, there shall be certain general provisions, which shall apply to the town as a whole as follows:

14-301. Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided. (Ord. #2012-04, Nov. 2012)

14-302. Continuance of non-conforming uses and structures. It is the intent of this ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

(2) Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damage of the extent of more than seventy-five percent (75%) of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

(3) Except as provided in Tennessee Code Annotated, § 13-7-208, a non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.

(4) No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.

(5) When a non-conforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established.

(6) Non-conforming commercial, business, or industrial uses created after the passage of Tennessee Code Annotated, § 13-7-208 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion of the property owned by such business and that any construction, improvement or reconstruction shall be in conformance with the district requirements in which it is located. (Ord. #2012-04, Nov. 2012)

14-303. Erection of no more than one principal structure per lot. In any district more than one (1) structure housing a permitted principal use shall not be erected on a single lot. (Ord. #2012-04, Nov. 2012)

14-304. Reduction of lot area prohibited. No lot even though it may consist of one (1) or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (Ord. #2012-04, Nov. 2012)

14-305. Required yard cannot be used by another building. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building. (Ord. #2012-04, Nov. 2012)

14-306. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property than the distance required for side yards on adjoining properties fronting on that street. (Ord. #2012-04, Nov. 2012)

14-307. Corner lots. On lots located at the intersection of two (2) streets, the frontage on both streets shall be considered as front yards, the other two (2) yards shall be considered side yards for the purposes of this ordinance. (Ord. #2012-04, Nov. 2012)

14-308. Obstruction of vision at street intersections prohibited. No structure, planting, object, or sign which obstructs visibility shall be placed on a corner lot within the area defined by a distance of one hundred feet (100') along the right-of-way lines of the intersecting streets from the point of

intersection of the right-of-way lines at the corner, and a line connecting the end points on the right-of-way lines to form an equilateral triangle. Any object between a height of two and one-half feet (2 1/2') and a height of ten feet (10') above the average grade of each street at the centerline thereof shall be deemed as obstructing vision under the provision of this ordinance. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (Ord. #2012-04, Nov. 2012)

14-309. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.

(1) A point of access, i.e., drive or other opening for vehicles into a street shall not exceed twenty-five (25) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street on a lot of less than three hundred feet (300').

(3) No point of access shall be allowed within twenty-five feet (25') of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six inches (6") in height and six inches (6") in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalks area.

(5) No sidewalks on town streets or rights-of-way shall be cut or altered without written approval of the zoning compliance officer.

(6) Ingress and egress to required parking spaces for uses other than single-family residential shall be via driveways arranged so that vehicles enter and depart by forward motion.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation or the provisions of this ordinance whichever is stricter. (Ord. #2012-04, Nov. 2012)

14-310. Street frontage. No structure shall be erected on a lot which does not abut a public street or is located on a permanent access easement approved by the La Grange Planning Commission; all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. #2012-04, Nov. 2012)

14-311. Lot of record. Where the owner of a lot of record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance or a preceding zoning ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance. Permission to use such lot as a building site may be granted, however, providing that the yards and

other requirements of the districts are complied with as closely as is possible in the opinion of the board of zoning appeals. (Ord. #2012-04, Nov. 2012)

14-312. Front yard requirements in pre-existing developments.

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred feet (100') on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (Ord. #2012-04, Nov. 2012)

14-313. Front yards. The front yard shall be measured from the street right-of-way. In the instance when the street right-of-way is unspecified, the following standards shall be used to establish a point of measurement unless right of way is identified on a major road, street, thoroughfare, land use or general plan. Rights of way identified on such a duly approved plan make be used for setback purposes under the zoning ordinance.

(1) Minor residential--fifty foot (50') right-of-way or twenty-five feet (25') from the street centerline.

(2) Collector streets--sixty foot (60') right-of-way or thirty feet (30') from the street centerline.

(3) Arterial streets--thirty foot (30') right-of-way or thirty-five feet (35') from the street centerline. (Ord. #2012-04, Nov. 2012)

14-314. Accessory activity, use, building or structure and location of such accessories. Accessory buildings, including a private facility, and accessory uses customarily incident to the above uses, but not involving the conduct of a business. Any accessory building shall be located so as not to extend beyond the front of a principal building or structure and shall not be less than fifteen feet (15') from any portion of the main building. Accessory buildings may be built in rear yards but shall not occupy more than forty percent (40%) of the required rear yard. Such buildings shall not exceed twenty feet (20') in height and shall not be nearer than five feet (5') to any lot line. No mobile home, manufactured home, modular home, travel trailer unit, tractor trailer, or motor home shall be utilized as accessory buildings or structures. (Ord. #2012-04, Nov. 2012)

14-315. Fences and walls. Notwithstanding other provisions of this ordinance, fences and walls may be permitted in any required yard, or along the edge of any yard, provided that no fence or wall along the sides or edge of any required front yard shall exceed fifty inches (50") in height.

Buffers may be exempt from these provisions if required by the reviewing authority. No proposed fence, wall, or fence shall be permitted, which violates § 14-308 and any other provisions of this ordinance or other city codes.

Neither fences nor walls shall be constructed within any known right-of-way. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (Ord. #2012-04, Nov. 2012)

14-316. Buffering and screening. The La Grange Planning Commission may require screening of parking lots, service areas, open storage of material and equipment, and other commercial or industrial activities not contained within a building from residential or other property where the visual appearance of such uses of land is inconsistent with the amenities of the surrounding development or is an annoyance to the adjoining land owner. (Ord. #2012-04, Nov. 2012)

14-317. Lighting. Any light used to illuminate signs, parking areas or buildings shall be so arranged as to reflect such light away from adjoining premises and streets. (Ord. #2012-04, Nov. 2012)

14-318. Interpretation of permitted uses. Permitted uses, when in question, shall be determined by utilization of the Standard Land Use Coding Manual. Uses will be considered similar if they are part of the same two (2) digit code in the Standard Land Use Coding Manual. (Ord. #2012-04, Nov. 2012)

CHAPTER IV

ESTABLISHMENT OF DISTRICTS

14-401. Classification of districts. For the purpose of this ordinance, La Grange, Tennessee, is hereby divided into ten (10) districts, designated as follows:

Single-Family Dwelling Historic District--H-R

Commercial Historic District--H-C

Agricultural Historic District--H-AC

Commerce Street Residential Revitalization Historic District (CSRRHD)

Single-Family Dwelling District--R-1

Single Family Nonconventional Residential--R-2

Highway Commercial District--HWY-C

Agricultural District--AG

Planned Residential Historic District--H-PRD

Historic High Impact Commercial--H-HIC

(Ord. #2012-04, Nov. 2012, as amended by Ord. #0-2016-02, May 2016)

14-402. Boundaries of districts and rules for the interpretation of these district boundaries. (1) The boundaries of districts in § 14-401 of this chapter are hereby established as shown on the official zoning map entitled "Official Zoning Map of La Grange, Tennessee," which is a part of this ordinance and which is on file in the town hall.

(2) The official zoning map shall be identified by the signature of the mayor attested by the recorder.

(3) If, in accordance with the provisions of this ordinance and Tennessee Code Annotated, §§ 13-7-203 and 13-7-204 changes of amendments are made in district boundaries or other matter portrayed on the official zoning map.

(4) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the town board may adopt a new official zoning map which shall supercede the prior official zoning map. The official zoning map may correct drafting or other errors or omissions in the prior official zoning ordinance or any subsequent amendment thereof.

(5) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(6) Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts

designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(7) In any unsubdivided property, the district boundary lines on the zoning map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

(8) In accordance with Tennessee Code Annotated, § 13-7-404, the Official Zoning Map of La Grange, Tennessee shall also establish the historic zones of the town which are governed by historic zoning commission, review guidelines, or any other powers as adopted by the historic zoning commission under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. These zones shall be designated by the word "historic" and/or by the use of "H." The historic zoning commission is charge with the responsibility of reviewing requests for building and demolition permits within the areas designated as "H" or historic districts. No permit for construction, alteration, repair, moving, or demolition may be issued within the historic district until it is submitted to and receives approval in writing by the historic zoning commission. (Ord. #2012-04, Nov. 2012)

CHAPTER V

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

14-501. HR (Single Family Dwelling) Historic Districts. The purpose of this district is to have a low density historic district is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the HR (Single Family Dwelling Historic Districts, as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship;

(b) Schools;

(c) Municipal, state, or federal uses;

(d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued

without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed uses is located.

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use.

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

(v) No activity, materials, goods, or equipment indicative of the proposed uses shall be visible from any public way.

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(e) Family day care home as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities;

(ii) Minimum required lot area;

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area.

(A) Family day care home--two hundred (200) square feet per child.

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There shall be no signs advertising the property as a family daycare facility.

(f) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off-street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employee are permitted for bed and breakfast homestay

(g) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height.

The principal building shall be located so as to comply with the following requirements:

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300')

(c) Minimum required front yard:

(i) All uses--eighty feet (80')

(d) Minimum required rear yard:

(i) All uses--fifty feet (50')

(e) Minimum required side yard:

(i) All uses--thirty feet (30')

(f) Maximum lot coverage by all buildings:

(i) Single family dwellings and accessories--thirty percent (30%)

(ii) Churches--twenty-five percent (25%)

(g) Maximum height regulations:

(i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

(ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and

provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-502. R-1 (Single Family Residential) Districts. The purpose of the single family residential district is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic and rural quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-1 (Single Family Residential) Districts, as shown on the zoning map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings except mobile homes on individual lots.

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses.

(c) Name plate and real estate signs in accordance with Chapter VIII, § 14-805 of this ordinance.

(d) Utility wires and mains, street, and railroad right-of-way.

(e) Telecommunications equipment on existing structures provided by the applicant that there is documentation from the owner of the existing structure confirming collocation and that the extension does not require lighting or exceed the height restrictions enumerated in Chapter VIII, § 14-809.

(2) Special exceptions. As a condition of approval of the aforementioned special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed

buildings, the power to specify building materials or colors, or other similar powers.

- (a) Churches and other places of worship;
- (b) Schools;
- (c) Libraries;
- (d) Parks, golf courses, tennis courts, playgrounds, gymnasiums, and recreation centers;
- (e) Public utility facilities;
- (f) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.
 - (ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - (iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use.
 - (iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 - (v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way.
 - (vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.
 - (vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
 - (viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posted by these operations.
- (g) Family day care home, group day care home, and day care center, as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter

VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area.

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area.

(A) Family day care home--two hundred (200) square feet per child.

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There may be signs advertising the property as a day care facility.

(h) Standards for wedding chapels. The board of zoning appeals may authorize the issuance of a special exception for a wedding chapel subject to the following additional standards:

(i) Regulations--minimum area two (2) acres.

(ii) Minimum lot width at building line and street frontage of the lot--one hundred fifty feet (150').

(iii) Minimum required front yard--sixty feet (60').

(iv) Minimum required rear yard--forty feet (40').

(v) Minimum required side yard--twenty-five feet (25') or more as required by the board of zoning appeals.

(vi) Maximum lot coverage by all buildings--twenty-five percent (25%) or less as required by the board of zoning appeals.

(vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.

(i) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off-street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employees are permitted for bed and breakfast homestay.

(j) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height.

The principal building shall be located so as to comply with the following requirements:

- (a) Minimum area regulations.
 - (i) Single family dwellings--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.
 - (ii) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium seat, whichever is greater.
 - (iii) Schools--five (5) acres plus one (1) acre for each one hundred (100) students.
 - (iv) Cemeteries--two (2) acres.
 - (v) Other uses--two (2) acres or greater as required by the board of zoning appeals.
- (b) Minimum lot width at building line and minimum street frontage of the lot.
 - (i) Single family dwellings--one hundred fifty feet (150').
 - (ii) Churches--one hundred fifty feet (150').
 - (iii) Other uses--one hundred fifty feet (150') or greater as required by the board of zoning appeals.
- (c) Minimum required front yard.
 - (i) Dwelling--sixty feet (60')
 - (ii) Churches--sixty feet (60')
 - (iii) Other uses--sixty feet (60') or more as required by the board of zoning appeals.
- (d) Minimum required rear yard.
 - (i) Single family dwellings--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (e) Minimum required side yard.
 - (i) Single family dwellings--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (f) Maximum lot coverage by all buildings.
 - (i) Single family dwellings and accessories--twenty-five percent (25%)
 - (ii) Churches--twenty-five percent (25%)
 - (iii) Other uses--fifty percent (50%) or less as required by the board of zoning appeals.
- (g) Maximum height regulations.
 - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the

required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however;

(ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.

(iii) No accessory building shall exceed one (1) story in height.

(iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(5) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-503. R-2 (Single Family Nonconventional Residential) Districts. The purpose of the single family nonconventional residential is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic and rural quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-2 (Single Family Nonconventional Residential) as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings, manufactured homes, and mobile homes on individual lots.

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses.

(c) Name plate and real estate signs in accordance with Chapter VIII, § 14-805 of this ordinance.

(d) Utility wires and mains, street, and railroad right-of-way.

(e) Telecommunications equipment on existing structures provided by the applicant that there is documentation from the owner of the existing structure confirming collocation and that the extension does

not require lighting or exceed the height restrictions enumerated in Chapter VIII, § 14-809.

(2) Special exceptions. As a condition of approval of the aforementioned special exceptions, site plans shall be approved by the board of zoning appeals in accordance with chapter viii, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

- (a) Churches and other places of worship
- (b) Schools
- (c) Libraries
- (d) Parks, golf courses, tennis courts, playgrounds, gymnasiums, and recreation centers
- (e) Public utility facilities
- (f) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.
 - (ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;
 - (iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(g) Family day care home, group day care home, and day care center, as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area:

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area:

(A) Family day care home--two hundred (200) square feet per child

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There may be signs advertising the property as a daycare facility.

(h) Standards for wedding chapels. The board of zoning appeals may authorize the issuance of a special exception for a wedding chapel subject to the following additional standards:

(i) Minimum area regulations--two (2) acres

(ii) Minimum lot width at building line and street frontage of the lot--one hundred fifty feet (150')

(iii) Minimum required front yard--sixty feet (60')
(iv) Minimum required rear yard--forty feet (40')
(v) Minimum required side yard--twenty-five feet (25') or more as required by the board of zoning appeals.

(vi) Maximum lot coverage by all buildings--twenty-five percent (25%) or less as required by the board of zoning appeals.

(vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.

(i) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employees are permitted for bed and breakfast homestay.

(j) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(ii) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium seat, which ever is greater.

(iii) Schools--five (5) acres plus one (1) acre for each one hundred (100) students.

(iv) Cemeteries--two (2) acres.

(v) Other uses--two (2) acres, or greater as required by the board of zoning appeals.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--one hundred fifty feet (150')

(ii) Churches--one hundred fifty feet (150')

(iii) Other uses--one hundred fifty feet (150') or greater as required by the board of zoning appeals.

(c) Minimum required front yard.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--sixty feet (60')

(ii) Churches--sixty feet (60')

(iii) Other uses--sixty feet (60') or more as required by the board of zoning appeals.

(d) Minimum required rear yard.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--twenty-five feet (25')

(ii) Churches--thirty feet (30')

- (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (e) Minimum required side yard.
 - (i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (f) Maximum lot coverage by all buildings.
 - (i) Single-family dwellings, manufactured homes, and mobile homes on individual lots and accessories--twenty-five percent (25%).
 - (ii) Churches--twenty-five percent (25%).
 - (iii) Other uses--fifty percent (50%) or less as required by the board of zoning appeals.
- (g) Maximum height regulations.
 - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however;
 - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
 - (iii) No accessory building shall exceed one (1) story in height.
 - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-504. (CSRRHD) Commerce Street Residential Revitalization Historic District. The purpose of this district is to have a more-dense residential historic district and to maintain the character of this area that currently exists or is suitable for the development of residential dwellings and accessory structures supported by septic tanks at a one (1) acre-lot minimum lot area along Commerce Street and its logical eastern extension on the east side of LaGrange Road (Main Street/Yager Drive). These provisions have been devised to encourage some relatively moderate infill development as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic

congestion. These developments shall not sacrifice septic suitability in the pursuit of increasing densities.

Within the (CSRRHD) Commerce Street Residential Revitalization Historic Districts, as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way;

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship

(b) Schools

(c) Municipal, state, or federal uses

(d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted offsite only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(e) Family day care home as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area;

(A) Family day care home - One (1) acre

(iii) Minimum required fenced play area.

(A) Family day care home - 200 square feet per child

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There shall be no signs advertising the property as a family daycare facility.

(f) Standards for bed and breakfast homestay - The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employee are permitted for bed and breakfast homestay

(g) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations.

(i) All uses one (1) acre or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) All uses one hundred feet (100') except for the principal buildings along LaGrange Road (Main Street).

(c) Minimum required front yard.

(i) All uses forty feet (40').

(d) Minimum required rear yard.

(i) All uses twenty-five feet (25').

(e) Minimum required side yard.

(i) All uses fifteen feet (15').

(f) Maximum lot coverage by all buildings.

(i) Single family dwellings and accessories thirty percent (30%).

(ii) Churches twenty-five percent (25%).

(g) Maximum height regulations. (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

(ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (as added by Ord. #0-2016-02, May 2016)

CHAPTER VI

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

14-601. HC (Commercial Historic Districts). The purpose of this district is to have a low density, low impact historic commercial district is to maintain the character of areas that currently exist or are suitable for the development of small retail or service operations along with accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater structural densities and more intense commercial activities.

Within the HC (Commercial Historic Districts), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

Any building used primarily for any of the following enumerated purposes may not have more than twenty-five percent (25%) of the floor are devoted to storage purposes incidental to such primary use.

- (a) Advertising and business signs. (See also sign provisions).
- (b) Bakeries employing not more than five (5) persons and when products are sold only at retail on the premises.
- (c) Banks.
- (d) Barber shops, beauty shops.
- (e) Bicycle sales and repair shops.
- (f) Catering and delicatessen business.
- (g) Custom dressmaking, millinery, tailoring, or similar retail trades, employing not more than five (5) persons on the premises.
- (h) Laundromats.
- (i) Locksmith shops.
- (j) Medical and dental clinics.
- (k) Messenger and telegraph service stations.
- (l) Offices.
- (m) Photographers' studios.
- (n) Public libraries and museums.
- (o) Restaurants.
- (p) Shoe repairing shops, employing not more than five (5) persons.

(q) Shops for the repair of electrical and radio equipment and other similar commodities, employing not more than five (5) persons on the premises, and not involving any manufacturing on the premises.

(r) Stores or shops for the conduct of retail business.

(s) Theaters, except for drive-in theaters.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship.

(b) Schools.

(c) Municipal, state, or federal uses.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum area regulations.

(i) All uses--none unless required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) All uses--none.

(c) Minimum required front yard.

(i) All uses--none.

(d) Minimum required rear yard.

(i) All uses--twenty-five feet (25').

(e) Minimum required side yard.

(i) All uses--none.

(f) Maximum lot coverage by all buildings.

- (i) All uses--none.
- (g) Maximum height regulations.
 - (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.
 - (ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking and loading regulations. Adequate off-street parking and loading shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-602. HWY-C (Highway Commercial Districts). The purpose of this district is to have a low density, general commercial district is to maintain the character of areas that currently exist or are suitable for the development of retail or service operations along with accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access while protecting these areas from unwarranted traffic congestion associated with greater structural densities and the most intense commercial activities.

Within the HWY-C (Highway Commercial Districts) as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

- (a) Advertising and business signs (See sign provisions).
- (b) Bakeries employing not more than five (5) persons and when products are sold only at retail on the premises.
- (c) Banks.
- (d) Barber shops, beauty parlors.
- (e) Bicycle sales and repair shops.
- (f) Catering and delicatessen business.
- (g) Churches.
- (h) Custom dressmaking, millinery, tailoring, or similar retail trades, employing not more than five (5) persons on the premises.
 - (i) Gasoline and fuel retail station.
 - (j) Fraternities, sororities, private clubs, and lodges.
 - (k) Garages, storage.
 - (l) Institutions of a religious, educational, eleemosynary, or philanthropic nature, but not penal or mental institutions nor institutions for alcoholics or drug addicts.
 - (m) Laundromats.
 - (n) Locksmith shops.
 - (o) Medical and dental clinics.
 - (p) Messenger and telegraph service stations.

- (q) Nursing homes provided minimum area as required by the Tennessee Division of Groundwater Protection for septic use.
- (r) Office and office buildings.
- (s) Parking lots, commercial.
- (t) Photographers' studios.
- (u) Pick-up stations for receiving and delivery of laundry or cleaning, which shall be done elsewhere.
- (v) Public libraries and museums.
- (w) Restaurants.
- (x) Schools, including public, private, kindergarten, dancing, music, business, trade, and special schools and dormitories for students.
- (y) Shoe repairing shops, employing not more than five (5) persons.
- (z) Shops for the repair of electrical and radio equipment and other similar commodities, employing not more than five (5) persons on the premises, and not involving any manufacturing on the premises.
 - (aa) Stores or shops for the conduct of retail business.
 - (bb) Theaters, except drive-in theaters.
 - (cc) Youth centers.
 - (dd) Accessory building and accessory uses customarily incident to the above uses.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

- (a) Any public building owned or operated by a governmental agency.
- (b) Hospitals, clinics, and institutions, except institutions for criminals, alcoholics, drug addicts, and mental cases; provided, however, that such buildings may occupy not over fifty percent (50%) of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further that the buildings shall be set back from all side and rear yard lines heretofore established, and additional distance of not less than one foot (1') for every foot of building height and that adequate off-street parking space will be provided.

- (c) Roadside stands, commercial amusement, or recreational development for temporary or seasonal periods.
- (d) Radio or television broadcasting stations.
- (3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.
- (4) Location of accessory buildings. (a) See § 14-314.
 - (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
- (5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.
 - (a) Minimum area regulations.
 - (i) All uses--none unless required by the Tennessee Division of Groundwater Protection for septic use.
 - (b) Minimum lot width at building line and minimum street frontage of the lot.
 - (i) Gasoline and fuel retail station--one hundred fifty feet (150').
 - (ii) All other uses--none
 - (c) Minimum required front yard.
 - (i) All uses--forty feet (40').
 - (d) Minimum required rear yard.
 - (i) All uses--fifteen feet (15').
 - (e) Minimum required side yard.
 - (i) All uses--ten feet (10').
 - (f) Maximum Lot coverage by all buildings.
 - (i) All uses--none
 - (g) Maximum height regulations.
 - (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.
 - (ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking and loading regulations. Adequate off-street parking and loading shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-603. H-HIC (Historic High Impact Commercial) District. The H-HIC (Historic High Impact Commercial District is to allow a wide range of

commercial and other nuisance producing establishments such as adult-oriented establishments in areas suitable for such development due to compatibility and utility capacity, but which need to be isolated for reasons of volume, scale of operation, type of structures, type of operation, and possible air and water emissions. Due to these factors, these locations will be evaluated so as to minimize the adverse impacts on adjacent properties. These areas will be selected and will have a minimal proximity to residential neighborhoods, religious, childcare, and educational facilities.

Within the areas designated H-HIC (Historic High Impact Commercial) on the Zoning Map of La Grange, Tennessee, the following provisions shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

- (a) Retail trade limited to:
 - (i) Building materials, hardware and farm equipment.
 - (ii) General merchandise.
 - (iii) Food.
 - (iv) Automotive, motorized vehicles, marine craft, aircraft and accessories (except automobile storage yard, junk or salvage yards).
 - (v) Apparel and accessories.
 - (vi) Furniture, home furnishings and equipment.
 - (vii) Eating and drinking.
 - (viii) Other retail trade, not elsewhere coded limited to:
 - (A) Drug and proprietary.
 - (B) Antiques.
 - (C) Books and stationery.
 - (D) Sporting goods and bicycles.
 - (E) Farm and garden supplies.
 - (F) Jewelry.
 - (G) Fuel and ice.
 - (H) Florists.
 - (I) Newspaper and magazines.
 - (J) Cigars and cigarettes.
 - (K) Cameras and photographic supplies.
 - (L) Gifts, novelties, and souvenirs.
 - (M) Optical goods.
- (b) Services limited to:
 - (i) Finance, insurance and real estate services.
 - (ii) Personal services limited to:

- (A) Laundering, dry cleaning, and dyeing services.
- (B) Photographic services.
- (C) Beauty and barber services.
- (D) Funeral chapels except crematory services.
- (E) Apparel repair, alteration, and cleaning pickup services; shoe repair services.
- (iii) Business services, except warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing shall be allowed).
- (iv) Repair services limited to:
 - (A) Automotive and farm equipment repair (except automobile storage yard, junk or salvage yards).
 - (B) Automobile wash services.
 - (C) Electrical repair.
 - (D) Radio and television repair services.
 - (E) Watch clock and jewelry.
 - (F) Reupholstery and furniture repair.
 - (G) Other repair services, NEC-limited to:
 - (1) Bicycle repair.
 - (2) Camera repair.
 - (3) Locksmith repair.
 - (4) Musical instrument repair.
- (v) Professional services not to include sanitariums, convalescent and rest home services.
- (vi) Contract construction services.
- (vii) Governmental services except military bases/reservations.
- (viii) Educational services (including family, group, and daycare operations as defined under nursery school in § 14-202).
- (ix) Miscellaneous services limited to:
 - (A) Religious activities including churches, synagogues, and temples.
 - (B) Welfare and charitable services.
 - (C) Other miscellaneous services--limited to:
 - (1) Business associations.
 - (2) Professional membership organizations.
 - (3) Labor unions and similar labor organizations.
 - (4) Civic, social, and fraternal organizations.
- (c) Wholesale trade limited to:
 - (i) Drugs, chemicals, and allied products.
 - (ii) Dry goods and apparel.

- (iii) Farm products (raw materials) limited to cotton, grains, and field beans.
- (iv) Electrical goods.
- (v) Hardware, plumbing, and heating equipment.
- (vi) Machinery, equipment, and supplies.
- (vii) Other wholesale trade, not elsewhere coded, limited to:
 - (A) Paper and paper products.
 - (B) Furniture and home furnishings.
 - (C) Lumber and construction materials.
- (d) Public assembly.
- (e) Cultural activities.
- (f) Recreational activities.
- (g) Transient lodging.
- (h) Transportation except airports.
- (i) Communications except telecommunications (See Special exceptions).
- (j) Utilities limited to:
 - (i) Electric and water utilities except electric generation plants.
- (k) Horticulture specialties.
- (l) Accessory buildings customarily incidental to the permitted use.
- (m) Signs as permitted in Chapter VIII of this ordinance.
- (n) Standards for reception halls and wedding chapels - The planning commission may authorize the issuance of a permit or certificate of occupancy for a reception hall or wedding chapel subject to the following additional standards:
 - (i) Minimum area regulations two (2) acres for a proposed reception hall or a proposed wedding chapel (or more if required for septic approval).
 - (ii) Minimum lot width at building line one hundred feet (100').
 - (iii) Minimum required front yard thirty feet (30').
 - (iv) Minimum required rear yard thirty feet (30').
 - (v) Minimum required side yard fifteen feet (15') or more as required by the board of zoning appeals.
 - (vi) Maximum lot coverage by all buildings fifty percent (50%) or less as required by the board of zoning appeals.
 - (vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.
- (2) Special exceptions. (a) Telecommunications equipment on existing structures and new telecommunications towers may be permitted by the

board of zoning appeals upon approval of a proposal which addresses the criteria enumerated in Chapter VIII, § 14-808. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter VIII, § 14-808.

(b) Adult oriented businesses as defined in Chapter II. These businesses shall also be regulated in accordance with the following requirements in addition to any other applicable municipal codes, state, or federal laws or regulations:

(i) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing churches, synagogues, or other regular places of religious worship;

(ii) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public or private nursery schools, family daycare centers, group daycare centers, daycare centers;

(iii) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public or private elementary, middle, or secondary schools;

(iv) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public parks;

(v) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing residential structures;

(vi) Screening shall be required. Such screening may be a strip of densely planted with evergreen shrubs or trees which are at least four feet (4') high and may be expected to form a year-round dense screen; may be a wall, barrier or uniformly painted fence at least six feet (6') in height but not more than eight feet (8') high, as measured from the finished grade. Such wall, barrier or fence must be opaque. This screen shall be maintained in good condition at all times.

(vii) The property and the facility housing such use must meet all yard standards, parking requirements, and all other applicable provisions of this ordinance.

(viii) Prior to the issuance of a building permit all site plan requirements as set forth in Chapter VIII, § 14-807 shall be submitted for review by the board of zoning appeals. Any modifications required by the board of zoning appeals shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of La Grange. Distances from existing structures on adjacent property will be required in order to review compliance with the established regulated distances for such uses above.

(c) Automobile storage, junk or salvage yards, animal hospital services, animal husbandry and kennels:

(i) The site of each proposed use must have a minimum of five (5) acres.

(ii) The site of each proposed use cannot be located any closer than one thousand five hundred feet (1,500') from an existing residential district.

(iii) The site of each proposed use may be located no closer than one thousand five hundred feet (1,500') from a residential dwelling, a church, public school, private school, nursery, nursery school, child care facility, or place of public assembly, places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity.

(iv) The use must meet all yard standards, parking requirements, and all other applicable provisions of this ordinance.

(v) The operation must comply with all applicable municipal, county, state, and federal laws, codes, and regulations.

(vi) The site of each proposed use must provide a fence of at least eight feet (8') in height and an evergreen strip to be placed around the fence that is a minimum of eight feet (8') in height.

(vii) No zoning compliance permit or certificate of occupancy for such use shall be issued unless such an operation complies with the conditions specified in any municipal ordinance, the La Grange Municipal Code, under any applicable county, state, or federal law, rule, or code.

(e) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. (a) Any use not specifically permitted by the ordinance.

(4) Regulations controlling lot area, lot width, yards, building coverage and building height.

(a) Minimum required lot area:

(i) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium space, whichever is greater.

(ii) Other uses--no minimum requirement.

(b) Minimum lot width measured at the building line:

(i) Churches--one hundred feet (100').

(ii) Other uses--no minimum requirement.

(c) Minimum depth of front yards:

(i) All uses--twenty-five feet (25').

(d) Minimum depth of rear yard.

(i) All uses--twenty feet (20'), provided that when the commercial lot adjoins a residential district along the rear lot line

that the minimum depth of the rear yard shall be twenty-five feet (25').

(e) Minimum width of side yards:

(i) Churches--twenty-five feet (25').

(ii) Other uses--twenty feet (20'), provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the side yard shall be twenty-five feet (25').

(f) Maximum lot coverage by all buildings:

(i) All uses--none.

(g) Maximum number of principal buildings on a single lot:

(i) All uses--no maximum providing the provisions of this ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot.

(h) Maximum height:

(i) All uses--no structures shall exceed three (3) stories or thirty-five feet (35') in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten feet (10') from the nearest property line.

(i) Accessory buildings:

(i) No accessory building shall extend into the required front or side yard.

(5) Parking and loading regulations. Adequate off-street parking, loading and unloading shall be provided as required in Chapter VIII of this ordinance.

(6) Site plan review. Prior to the issuance of a building permit all site plan requirements as set forth in Chapter VIII, § 14-807 shall be submitted for review by the planning commission. Any modifications required by the planning commission shall be made prior to the issuance of any building permit. The approved site plan shall be maintained in the permanent files of the Town of La Grange. (Ord. #2012-04, Nov. 2012, as amended by Ord. #0-2016-04, July 2016)

CHAPTER VII

PROVISIONS GOVERNING AGRICULTURAL DISTRICTS

14-701. Agricultural Historic Districts. The purpose of this district is to have the lowest density historic district to maintain the character of areas that currently exist or are suitable for the development of customary detached single family farm homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the Agricultural Historic Districts (H-AG), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

- (a) Single-family dwellings except mobile homes on individual lots;
- (b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;
- (c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

- (a) Churches and other places of worship.
- (b) Municipal, state, or federal uses.
- (c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued

without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(d) Riding stables provided, however, that buildings housing animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(e) Blacksmithing/farrier activities provided, however, that buildings, pens, or corrals holding animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(f) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height.

The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300').

(c) Minimum required front yard:

(i) All uses--eighty feet (80').

(d) Minimum required rear yard:

(i) All uses--fifty feet (50').

(e) Minimum required side yard:

(i) All uses--thirty feet (30').

(f) Maximum lot coverage by all buildings:

(i) Single family dwellings and accessories--thirty percent (30%).

(ii) Churches--twenty-five percent (25%).

(g) Maximum height regulations:

(i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

(ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-702. Agricultural Districts. The purpose of this district is to have the lowest density historic district to maintain the character of areas that currently exist or are suitable for the development of customary detached single family farm homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the Agricultural Districts (AG), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters.

(a) Churches and other places of worship.

(b) Municipal, state, or federal uses.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(d) Riding stables provided, however, that buildings housing animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(e) Blacksmithing/farrier activities provided, however, that buildings, pens, or corrals holding animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(f) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height.

The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300').

(c) Minimum required front yard:

(i) All uses--eighty feet (80').

(d) Minimum required rear yard:

(i) All uses--fifty feet (50').

(e) Minimum required side yard:

- (ii) All uses--thirty feet (30').
- (f) Maximum lot coverage by all buildings:
 - (i) Single family dwellings and accessories--thirty percent (30%).
 - (ii) Churches--twenty-five percent (25%).
- (g) Maximum height regulations:
 - (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.
 - (ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

CHAPTER VIII

SPECIAL PROVISIONS GOVERNING PARKING, LOADING, SIGNS, SITE PLAN REVIEW, TELECOMMUNICATIONS STRUCTURES, MANUFACTURED HOMES AND PLANNED HISTORIC RESIDENTIAL (PHR) OR PLANNED RESIDENTIAL (PR) OVERLAY DEVELOPMENT DISTRICTS

For the purpose of this ordinance, there shall be certain provisions, which shall apply to the town as a whole as follows:

14-801. Off-street parking spaces. There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley. Parking spaces maintained in connection with an existing or continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. The town reserves the right to control ingress and egress over private right-of-way.

If the off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred feet (400') of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(1) For Single-Family Dwelling Historic District "H-R," Single-Family Dwelling District "R-1," Single Family Nonconventional Residential "R-2," and Planned Residential Historic District "H-PRD,"; off-street parking space shall be provided on the same lot as the main building, but not within the required minimum front yard.

(2) Parking spaces shall not be required in Commercial Historic District "H-C." (Ord. #2012-04, Nov. 2012)

14-802. Minimum parking requirements. (1) Retail trade and personal services. One (1) space for each two hundred (200) square feet of floor area.

(2) Office (public, private, or business). One (1) space for each four hundred (400) square feet of floor area.

(3) Public buildings. One (1) space for each two hundred (200) square feet of floor area.

(4) Schools. One (1) space for each faculty, office, or staff member, plus one (1) space for each two (2) auditorium or stadium seats.

(5) Places of assembly. One (1) space for each five (5) auditorium, stadium, sanctuary, or theater seats.

(6) Residential. Two (2) spaces for each dwelling unit.

(7) All other uses. One (1) space for each four hundred feet (400') of floor area. (Ord. #2012-04, Nov. 2012)

14-803. Handicapped parking. (1) In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen feet (16') (or one (1) van accessible space as required below with a ninety-six inch (96") space and adjacent ninety-six inch (96") access aisle) unless a sixty inch (60") (five feet (5')) middle aisle is used in conjunction with two (2) adjacent eleven feet (11') wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

One (1) in every eight (8) accessible parking spaces shall be van accessible with an acceptable overhead clearance of a minimum of one hundred eight inches (108") (nine feet (9')). Two (2) adjacent van accessible spaces shall have a minimum of two (2) ninety-six inch (96") (eight feet (8')) spaces separated by a ninety-six inch (96") (eight feet (8')) aisle.

The number of handicapped parking spaces in relation to the total number of spaces is listed below (unless dictated for multiple family, or automobile showrooms or specified medical uses as dictated by the North Carolina Handicapped Code):

<u>Total Spaces in Lot</u>	<u>Required number of reserved spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total

Over 1,000 20 plus 1 for each 100 over 1,000

(2) Ramp slopes for wheelchair accessibility shall be between 1:16 and 1:20.

(3) The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed two hundred feet (200').

(4) The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply. (Ord. #2012-04, Nov. 2012)

14-804. Off-street loading and unloading spaces and location of off-street loading and unloading spaces. (1) Except for those buildings and structures located in the Commercial Historic District "H-C," every building or structure used for business for trade shall provide adequate space for the loading and unloading of vehicles off the streets. Such space shall have access to a public street, private access easement, or public alley. Each loading space shall be at least twelve feet (12') wide, fifty feet (50') long with a vertical clearance of at least fourteen feet (14').

The number of loading spaces shall be determined using the table below:

<u>Gross Floor Area (in square feet)</u>	<u>Loading and Unloading Space Required</u>
0 - 4,000	None
4,000 - 20,000	One (1) space
20,000 - 100,000 and over	One (1) space plus (1) space for each additional 20,000 square feet in excess of 20,001 square feet with no more than five (5) spaces required.

(2) All off-street loading facilities, where feasible, shall be located in the rear of the principal building. Loading berths shall be located so as not to restrict the ingress and egress to the lot nor to any intersection.

(3) In shopping centers and other common commercial or service developments where the function of off-street loading and unloading spaces required above can be reasonably consolidated for proposed and existing principal uses, the planning commission or other reviewing authority may permit such shared off-street loading and unloading spaces given the proposed spaces does not lie more than three hundred feet (300') from the service entrances for each such principal use. Such off-street loading and unloading spaces shall be deemed to be required open space associated with each permitted use and shall not thereafter be reduced or encroached upon in any manner

unless replaced by required off-street loading and unloading spaces or moved to a common accessible location on the premises.

The maintenance, access, and other similar issues for such shared off-street loading and unloading spaces shall be specified and defined in deed restrictions, accompanying subdivision plats, and other appropriate legal agreements. Proof of such agreements shall be secured in writing prior to approval of the planning commission or other reviewing authority. (Ord. #2012-04, Nov. 2012)

14-805. Sign regulations. Signs in historic overlay districts shall be approved by the historic zoning commission in addition to these requirements.

(1) Sign location. No sign shall be located within the required rear or side yards of any lot.

(2) Sign height. The height of signs shall not exceed the height regulations of the zoning district in which they are located.

(3) Sign protection limits. (a) No sign of any kind shall project into a street's right-of-way. Temporary signs may be permitted in the Commercial Historic District "H-C" provided these signs are removed following each business day.

(b) No sign shall project above the roof line of the building on which it is attached.

(4) Interference with traffic signals or motorist's vision. (a) No sign may be located in a manner which may obstruct or interfere with the view of traffic signs. No signs may be located within one hundred feet (100') of an intersection of a public road, if the sign obstructs the vision of a motorist within one hundred feet (100') of the intersection or causes confusion with a traffic control sign or signal by reason of color, lighting or other means.

(b) No sign located within the required front yard may obstruct vision of the street.

(5) Certain types of signs prohibited. No person may erect or maintain a sign which flashes, rotates, simulates action or has a moving part that is visible from a public street. Internally illuminated signs shall not be permitted.

(6) Sign definitions and maximum size.

(a) Name plate sign (attached or free standing)--a sign containing the name and title of the occupant of a building. No name plate sign in a residential area shall exceed one (1) square foot or two (2) square foot in other areas.

(b) Ground sign--a sign identifying the name of a church, institution, school, farm, club, lodging place, business or industry on the property on which it is located. No identification sign shall exceed thirty-six (36) square feet in size per side.

(c) Business, sign attached--a sign attached to the face of a building identifying the trade, services or industry located within said building. No attached building sign shall exceed ten percent (10%) of the

front face of the building in area, nor shall it exceed a maximum size of one hundred (100) square feet per side.

(d) Pole sign--a sign attached to its own support or to the ground identifying the trade, services, or industry located on a lot or in a building on the same lot. It shall not exceed a maximum size of thirty-six (36) square feet per side and a maximum height of twenty feet (20').

(e) Billboard sign: attached or free standing--a sign advertising anything not exclusively provided on the premises on which the sign is located.

No Billboard sign shall exceed a maximum square footage of three hundred eighty two (382) square feet in size per side.

All billboard signs shall meet the height restriction of the zoning district in which they exist.

The stacking or doubling of advertising sign on the same poles shall not be permitted.

(7) Sign restrictions. The following schedule lists the number of signs permitted, and zoning districts in which are permitted.

Type of Sign	Number of Signs Permitted	Districts in which Permitted
Name plate	One (1) per occupant	Any district
Ground sign	One (1) per use	Any district
Attached business	One (1) per occupant	HWY C districts
Pole sign	One (1) for each use whose contiguous street frontage is at least two hundred feet (200')	HWY C districts
Billboard	One (1) per permitted location	H-HIC

(8) Sign exceptions. Signs in historic overlay districts shall be approved by the historic zoning commission in addition to these requirements. The following signs are permitted in any district and are limited to one (1) sign per site:

(a) Traffic control devices.

(b) Real estate, construction and development signs located on the property listed for sale, lease, or under development or improvement. These signs shall be no more than sixteen (16) square feet. Only one (1) sign shall be permitted per property. One (1) off-site real estate sign shall

be allowed except for properties fronting along Highway 57, Highway 18, and La Grange Road.

(c) Historical or commemorative plaques or corner stones and sizes approved by the historic zoning commission or planning commission outside of historic districts.

(d) Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.

(i) Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election.

(ii) No sign shall be located within or over the public right-of-way.

(iii) The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in La Grange. There will be no charge for this permit.

(iv) Political signs shall be limited to sixteen (16) square feet. Only one (1) sign per candidate shall be permitted per property.

(e) Signs identifying entrances, exits, parking and loading areas limited to two (2) square foot. The number shall be limited by the number of entrances and loading areas. There shall be a limit of one (1) parking lot sign per parking lot.

(f) Yard sales (also garage sale) signs. Yard sale signs shall not exceed two (2) square feet. This sign shall be allowed to be erected no more than one (1) day prior to and one (1) day after the event in which it advertises and shall be limited to the site of the sale. (Ord. #2014-02, Sept. 2014)

14-806. Prohibited signs. The following types of signs are prohibited in all zoning districts in La Grange.

(1) No sign shall be permitted that is not specifically allowed in this ordinance. Any sign prohibited by other codes or historic guidelines shall not be allowed regardless of this ordinance.

(2) Signs on public property, except for public signs in conjunction with Town, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.

(3) Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN," "GO SLOW," "CAUTION," or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half feet (2 1/2') and

ten feet (10') along the street right-of-way in order to prevent any obstruction of vision.

- (4) Signs which blend with or can be confused with traffic signals.
- (5) Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- (6) Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- (7) Signs which display thereon or advertise any obscene, indecent or immoral matter.
- (8) Signs which are intended to advertise customary incidental home occupations as prescribed in the special exception section for residential districts unless otherwise specified. (Ord. #2014-02, Sept. 2014)

14-807. Procedures and requirements for site plan review. Before a permit is issued for any permitted use or special exception listed, a site plan of the proposed development shall be reviewed and approved by the planning commission. The planning commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access, or refuse collection in relation to the proposed use or adjacent uses.

Site plan review procedures. In instances of review by the La Grange Planning Commission the following procedure shall apply.

(1) Site plan submission and review. Site plan review is required under the zoning ordinance (see also additional requirements found in the Historic Zoning Commission Guidelines for Historic Districts). These instances include:

Review and approval by the La Grange Board of Zoning Appeals prior to the approval of a permitted special exception.

Review and approval by the La Grange Planning Commission.

(a) Historic zoning commission review. In instances of review by the La Grange Historic Zoning Commission prior to the issuance of a building permit the following procedure shall apply.

(i) Prior to the issuance of a building permit, a site plan shall be submitted to the historic zoning commission for the appropriate historic zoning district provisions. The site plan for proposed constructions, additions, and other activities governed by the guidelines shall be reviewed for compliance with those provisions as well as those of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(b) Review procedure. Review by the La Grange Planning Commission or Board of Zoning Appeals as specified by the La Grange Zoning Ordinance, the following procedure shall apply:

(i) The owner or developer shall submit four (4) copies of the proposed site plan to the zoning compliance officer ten (10) days prior to the regular meeting date of the planning commission or board of zoning appeals, whichever is applicable. The site plan shall be reviewed in light of the provisions of this ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the secretary of the planning commission or chairman of the board of zoning appeals, whichever is applicable.

(ii) Prior to the regular planning commission or board of zoning appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the zoning compliance officer to other affected town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the planning commission or board of zoning appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.

(iii) In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(2) Contents of the site plan for single-family development. Construction of single-family dwellings and associated accessory structures. In instances where the proposed construction is an individual single-family dwelling, the site plan shall include the following:

- (a) All property lines and their surveyed distances and courses, tax map and deed references.
- (b) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- (c) Total land area.
- (d) Present zoning of site and abutting properties.
- (e) Name, address of owner of record and applicant.
- (f) Provisions for utilities, water, septic, etc.
- (g) Location and dimensions of the existing and proposed structures.

(3) Contents of the site plan. (a) The site plan shall show the following:

- (i) Name of development or address.
- (ii) Name and address of owner of record and the applicant.
- (iii) Present zoning of the site and abutting property.
- (iv) Date, graphic scale, and north point with reference to source of meridian.
- (v) Courses and distances of center of all streets and all property lines.

- (vi) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- (vii) The total land area.
- (viii) Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.
- (ix) Septic approval.
- (b) The site plan shall show the location of the following when existing:
 - (i) Sidewalks, streets, alleys, easements and utilities.
 - (ii) Building and structures.
 - (iii) Septic systems.
 - (iv) Slopes, terraces and retaining walls.
 - (v) Driveways, entrances, exits, parking areas and sidewalks.
 - (vi) Water mains and fire hydrants.
 - (vii) Trees and shrubs.
 - (viii) Recreational areas and swimming pools.
 - (ix) Natural and artificial water courses.
 - (x) Limits of floodplains with references to current flood insurance rate map.
- (c) The site plan shall show the location, dimensions, site and height of the following when proposed.
 - (i) Sidewalks, streets, alleys, easements, and utilities.
 - (ii) Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one (1) story in height.
 - (iii) Septic systems.
 - (iv) Slopes, terraces, and retaining walls.
 - (v) Driveways, entrances, exits, parking areas, and sidewalks.
 - (vi) Water mains and fire hydrants.
 - (vii) Trees and shrubs.
 - (viii) Recreational areas .
 - (ix) Distances between buildings.
 - (x) Estimates of the following when applicable:
 - (A) Number of dwelling units or other units.
 - (B) Number of parking spaces.
 - (C) Number of loading spaces.
 - (xi) Plans for collecting stormwater and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - (xii) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures.

(xiii) In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of La Grange are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan.

(xiv) Proposed dumpster pad, if required by town code or policies.

(xv) Required public and private improvements and surety for these improvements for commercial or industrial developments except for sidewalks and corresponding handicapped ramps.

(A) Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the planning commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six inches (6") in diameter. Fire hydrants shall be required to be located no more than five hundred feet (500') apart. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.

(B) Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of §§ 14-801 through 14-805 and other provisions of this zoning ordinance or other municipal ordinances. A required parking area under this section, which includes parking spaces, drives and maneuvering lanes, shall be provided. The parking area shall be of an asphalt or concrete paved surface and shall be surfaced within six (6) months of the date of completion of building construction. This requirement does not apply to a single family structure on a single lot.

(C) Turn-lanes, public street, private street, public/private access easement improvements shall be required along such adjacent facilities. The planning commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The major road plan adopted by the planning commission, pursuant to,

Tennessee Code Annotated, §§ 13-3-402 and 13-4-302 showing, among other things, the general location, character and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated arterial and collector streets as guided by the appropriate major road plan or other component of a plan as described in Tennessee Code Annotated, title 13. Access control along any designated arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.

(D) Sidewalks will be required, when constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less than four inches (4") in thickness. For proper drainage all sidewalks shall have one-fourth inch (1/4") per foot slope towards the adjacent street. Sidewalks shall have a minimum width of five feet (5'). Alignment with existing public or private facilities may be required.

(E) Handicap ramps shall be installed at all crosswalks so as to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, four thousand (4,000) pound concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Local Government Public Works Standards and Specifications.

(F) No site plan shall be approved by the planning commission until one (1) of the following conditions has been met.

(1) Installation of required improvements. All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.

(2) Security bond or other approved collateral. The planning commission has accepted a

security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.

(3) Release or reduction of surety instrument or performance bond. The planning commission shall not recommend dedication of required public improvements nor shall the planning commission release nor reduce a surety instrument or performance bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the zoning ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as Local Government Public Works Standards and Specifications. (Ord. #2012-04, Nov. 2012)

14-808. Requirements for telecommunication towers equipment.

(1) These regulations shall apply to telecommunications towers and equipment as permitted according to each zoning district's provisions.

(2) New telecommunications towers or telecommunication equipment on existing structures upon approval by the applicable reviewing body (planning commission if a permitted use, board of zoning appeals for special exceptions, along with historic zoning commission in historic districts) and in compliance with the provisions of "Telecommunications Tower Requirements."

(a) Purpose. The purpose of this section is to protect the health and enhance the safety of the residents of the Town of La Grange by providing provisions relative to controlling the height, number, and light emission of telecommunication towers.

(b) Applicability. All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of twenty feet (20'), not constructed upon or

used as an accessory structure for a residential dwelling and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

(c) Plan requirement. Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the site plan review requirements in this ordinance.

(i) The board of zoning appeals, upon referral, may make other requirements for information when necessary for the proper review and judgment of the site plan.

(ii) All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structures and the location of future antenna arrays and accessory structures.

(iii) A letter of intent from the owner allowing for the shared use of the tower.

(iv) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(v) A letter indicating why all existing towers or structures within a one (1) mile radius of the proposed tower cannot be utilized.

(d) Prohibited uses. All telecommunication towers that exceed a height of twenty feet (20') constructed and any tower that is not specifically permitted as a use permitted or special exception the Town of La Grange shall be specifically prohibited.

(e) Type. All new telecommunications towers that exceed a height of twenty-five feet (25') may be of a monopole or lattice type structure.

(f) Accessory uses and structures. (i) A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or special exception in any district in the Town of La Grange. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

(ii) Each antenna array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of twenty

feet by twenty feet (20' x 20'). Accessory buildings or structures shall not exceed one (1) story.

(g) Structural requirements. (i) All new telecommunications towers not on an existing utility structure within the Town of La Grange shall be designed to accommodate a minimum of three (3) antenna arrays.

(ii) All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.

(iii) All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of seventy (70) miles per hour with a half inch (1/2") radial ice.

(h) Setbacks. (i) All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to fifty percent (50%) of the tower height or the district yard requirements, whichever is greater.

(ii) In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line, a residential district, a public street or public way shall be one hundred percent (100%) of the tower height plus ten feet (10').

(i) Co-use of utility structures. The co-use of existing utility structures in the Town of La Grange shall be encouraged on existing power line structures and water towers, or other towers exceeding thirty feet (30') in height.

(j) Height. (i) No height restrictions provided that all setback requirements and provisions of this ordinance and other local, state, and federal codes are met.

(ii) In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus ten feet (10').

(k) Shared use. The shared use of new telecommunications towers within the Town of La Grange shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers or existing structures within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one (1) or more of the following reasons.

(i) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and

existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.

(ii) The planned equipment would cause Radio Frequency (RF) interference with other existing or planned equipment.

(iii) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

(iv) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

(l) Security. All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight feet (8') or the height of the accessory structures, whichever is greater.

(m) Landscaping. All freestanding towers and utility structures shall have a four foot (4') wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight feet (8'). The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

(n) Vehicle access/parking. (i) The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with access control regulations within this ordinance.

(ii) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

(o) Lighting. (i) Towers. No artificially lighted tower shall be permitted in the Town of La Grange. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(ii) Structures. Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

(p) Removal of obsolete towers. Any telecommunications tower that is no longer in use for its original purpose shall be removed at the

owner's expense. The owner shall provide the town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations. (Ord. #2012-04, Nov. 2012)

14-809. Manufactured residential dwellings. In accordance with Tennessee Code Annotated, § 13-24-201, this zoning ordinance shall not be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility. A structure, transportable in one (1) or more sections, which may be built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations, the term "manufactured residential dwellings" does not include "mobile home." as herein defined and as further defined in Tennessee Code Annotated, § 13-24-201. This term does not "apply to factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis..."

(1) Manufactured residential dwellings. (a) The unit must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall and appropriate venting and access in order to have a site-built appearance as allowed by Tennessee Code Annotated, § 13-24-202. Manufactured residential dwellings in flood hazard areas must comply with the requirements in Chapter VIII of this ordinance.

(b) The home must be covered with an exterior material customarily used on dwellings in the Town of La Grange. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal, plastic panels, or vinyl siding.

(c) The hitches or towing apparatus, axles, and wheels must be removed.

(d) The roof must be pitched so there is at least a six inch (6") vertical rise for each twelve inches (12") of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass.

(e) The unit must be oriented on the lot so that its long axis is parallel with the street.

(f) All such units shall be required to connect to a public utility system which includes electricity, water and sewer in compliance with the building code, other national, state, and local codes. (Ord. #2012-04, Nov. 2012)

14-810. Procedures and requirements for Planned Historic Residential (PHR) or Planned Residential (PR) overlay development districts.

(1) Planned historic residential or planned residential including gated communities. The benefits of Planned Historic Residential (PHR) or Planned Residential (PR) for the Town of La Grange are primarily the promotion of harmony between large land developments and existing single-family development. Specific design standards can assure that such large scale developments do not compromise emergency vehicle access, public/private, maintenance, and open space. All gated communities shall be considered PHR or PRs.

(2) Objectives. The board of mayor and aldermen may, upon proper application, rezone a site of at least twenty-five (25) acres to PHR or PR to allow large developments. In addition, the board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development.

(3) Types of planned historic residential or planned residential. Under this section, the following types of planned developments shall be permitted, subject to the stated requirements. PHR or PRs are established by overlaying a preliminary development plan over the existing district. The overlays are as follows: Planned Historic Residential (PHR) over Historic Residential or Planned Residential (PR) over R-1 and R-2 districts. A zoning amendment is required following the procedures outlined in this section and in accordance this zoning ordinance.

(4) Modification of district regulations. Planned historic residential or planned residential may be construed in the above zoning districts subject to the standards and procedures set forth below:

(a) Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Historic Residential (PHR) or Planned Residential (PR) shall be governed by the regulations of the district or districts in which the Planned Historic Residential (PHR) or Planned Residential (PR) may provide for the following modifications from the district regulations governing area, setback, width and other bulk regulations, parking, provided such modifications are consistent with the following standards and criteria contained in the specific standards outlined in the following provisions.

The ordinance approving the preliminary development plan for the Planned Historic Residential (PHR) or Planned Residential (PR) may provide for the following modifications from the district regulations governing area, setback, width and other bulk regulations, parking, provided such modifications are consistent with the following standards and criteria contained in the specific standards outlined in the following provisions.

(5) Coordination with subdivision regulations. The uniqueness of each proposal for a Planned Historic Residential (PHR) or Planned Residential (PR) may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be

subject to modification from the specifications established in the subdivision regulations adopted by the planning commission. Modifications may be incorporated only with the review of the La Grange Planning Commission and approval of the board of mayor and aldermen as part of its review of the final development plan for the PHR or PR and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the planning commission of the plan.

It is the intent of this ordinance that subdivision review under the subdivision regulations be carried out simultaneously with the review of a Planned Historic Residential (PHR) or Planned Residential (PR) under this section of the zoning ordinance.

The development plans in this section must be submitted in a form which will satisfy the requirements of the subdivision regulations for preliminary and final plats.

(6) General provisions. The following general provisions shall apply to any Planned Historic Residential (PHR) or Planned Residential (PR) Districts created by the board of mayor and aldermen.

(a) Application for Planned Historic Residential (PHR) or Planned Residential (PR) permit required. Each application for a Planned Historic Residential (PHR) or Planned Residential (PR) shall be submitted in accordance with requirements of these regulations and the requirements set forth in the subdivision regulations. Variances to the requirements of both regulations may be granted upon review of the planning commission and approval by the board of zoning appeals.

(b) Ownership and division of land. No tract of land may be considered for or approved as a PHR or PR unless such tract is under the single ownership of a landowner. For the purpose of this ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PHR or PR application for the property, or any governmental agency shall be considered landowners for the purpose of this section. Unless otherwise provided as a condition or approval of PHR or PR, the landowner of an adopted PHR or PR may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

(c) Professional design. The La Grange Planning Commission shall not consider any development plan for any proposed Planned Historic Residential (PHR) or Planned Residential (PR), either on a preliminary or final basis, nor shall the La Grange Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Historic Residential (PHR) or Planned Residential (PR) unless such proposed plan includes a certification that the services of a licensed

civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

(d) Development period: staging. The expeditious construction of any Planned Historic Residential (PHR) or Planned Residential (PR) authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

(i) Start of development. Within one (1) year from and after the date of the action establishing a PHR or PR, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development.

(ii) Completion period. The La Grange Planning Commission may recommend and the board of mayor and aldermen may establish a reasonable period of time for the completion of the Planned Historic Residential (PHR) or Planned Residential (PR) at the time the PHR or PR district is established. If no substantial construction, as determined by the zoning compliance officer (or zoning compliance officer), has begun or no use established in the PHR or PR within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the city board and shall be of no further effect. At its discretion and for good cause, the city board, upon recommendation by the planning commission, may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use.

(iii) Staging of development. The board of mayor and aldermen may elect to permit the staging to development, in which case, the following provision shall be complied with:

(A) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommends to the planning commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, septic fields, parking areas, landscaping, plantings and screening. The developer shall also prepare a cost estimate of the recommended improvements for bonding purposes.

(e) Common open space and public facilities. The requirements of common open space and public facilities shall be in accord with the provisions of this section.

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 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.

The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Historic Residential (PHR) or Planned Residential (PR), 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.

No common open space of a Planned Historic Residential (PHR) or Planned Residential (PR) 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 La Grange Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The planning commission may give consideration to the size and character of the dwellings to be constructed within the Planned Historic Residential (PHR) or Planned Residential (PR), 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.

All land shown on the final development plan as common open space may be either of the following;

(i) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it.

(ii) Conveyed to an organization for ownership and maintenance.

(A) If the common open space is deeded to a homeowners' and/or property owners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted

with the application for preliminary approval. The provisions shall include but not be limited to the following:

(1) The association must be set up before the homes are sold.

(2) Membership must be mandatory for each home buyer and any successive buyer.

(3) The open space restrictions must be permanent, not just for a period of years.

(4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(f) Dedication of public/private facilities. The La Grange Planning Commission as a condition of approval and adoption and in accordance with the final plat, require that suitable areas for streets, public and private rights-of-way, schools, parks and other common areas be set aside, improved and/or dedicated for common use.

(g) Bond requirement for improvements. The planning commission shall require that a performance bond be furnished and filed with the Town of La Grange for private and public improvements. An escrow agreement and account approved by the town attorney as to form and content and by the planning commission shall be required in the amount of one hundred percent (100%) of the estimated construction cost and engineering. These funds may be dispersed upon certification by the zoning compliance officer (or zoning compliance officer) and by the town acting through the town attorney. Said escrow shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to, public site improvements, streets, surface and subsurface drainage, water lines, septic fields, parking areas, landscaping, planting, and screening, as recommended by the staff.

(h) Relation to utilities and public facilities. PHR or PR districts shall be so located in relation to septic fields, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area.

(i) Site planning. Site planning within any PHR or PR shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area stormwater management

plans, hydrological studies, water and septic fields, streets, noise and other environmental considerations.

All reports and plans shall be submitted to the planning/building staff or appropriate town departments for review and approval and shall be made a part of the final development plan.

(j) Accessory off-street parking and loading. Accessory off-street parking and loading in the PHR or PR shall be regulated by this zoning ordinance.

(7) Specific standards and criteria for Planned Historic Residential or Planned Residential. In addition to the general standards and general provisions set forth above, planned historic residential or planned residential shall comply with the requirements and standards which follow.

(a) Permitted uses. It is the intent of this ordinance that any site or parcel of land to be developed as PHR or PR shall not be less than twenty-five (25) acres and shall be under single ownership. Within the PHR or PR District, the following uses are permitted subject to review by the planning commission, or board of zoning appeals and approval of the board of mayor and aldermen.

(i) Any permitted use, accessory use, or use on appeal allowed in the underlying residential district.

(b) Residential densities. Density of development shall not exceed the density allowed within the zone, bulk, setbacks, or other requirements.

(c) Regulations governing area, setback, width and other bulk regulations.

(i) The underlying district will govern minimum lot areas, setbacks, building widths, street frontage.

(ii) Maximum lot coverage--seventy-five percent (75%) of the total tract.

(iii) Open space requirements--minimum twenty-five percent (25%) of the total tract shall be open space. The area dedicated for street right-of-way shall not count as open space. Common open space containing natural features such as forest, are encouraged for erosion control. Natural ponds, lakes, and manmade waterways shall be counted as open space. Use of natural and existing manmade drainage features is also encouraged.

(d) Access. Every structure shall be on a lot adjacent to a street or approved private street.

Gated subdivision developments with more than fifty (50) lots or dwelling units shall have at least two (2) separate points of public road access. Developments with one hundred (100) lots or dwelling units shall have at least three (3) separate points of public road access.

Access and circulation shall be provided to adequately assure fire and emergency service, utility and public service delivery as well as

moving and private delivery services. Gated subdivision developments shall have the written approval of fire, police, and ambulance services concerning access safeguards from both county, municipal services, the County 911 system and any private agency with a service are applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR). Personnel training and equipment costs shall not be incurred through any proposed Planned Historic Residential (PHR) or Planned Residential (PR).

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Historic Residential (PHR) or Planned Residential (PR), but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the planning commission.

(e) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, and/or hedges and screening walls.

(f) Pedestrian circulation. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

(g) Privacy. The Planned Historic Residential (PHR) or Planned Residential (PR) shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planning unit residential development. Protection and enhancement of the property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, and landscaped screens.

(8) Procedures for Planned Historic Residential (PHR) or Planned Residential (PR) approval. The provisions of this section govern the procedure for approval of all planned historic residential or planned residential provided herein.

(a) Pre-application procedure. At least fifteen (15) days prior to filing any application for a Planned Historic Residential (PHR) or Planned Residential (PR), the prospective applicant shall request a pre-application conference with the planning staff.

To obtain information, each applicant shall confer with the zoning compliance officer (or zoning compliance officer) and planning staff. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Historic Residential (PHR) or Planned Residential (PR) application. The zoning

compliance officer (or zoning compliance officer) and staff planner shall furnish the applicant with comments regarding such conference, including appropriate recommendations to conform and assist the applicant prior to his preparing the components of the Planned Historic Residential (PHR) or Planned Residential (PR) application.

(b) Preliminary development plan. A preliminary development plan shall be submitted to the planning commission with the application for the Planned Historic Residential (PHR) or Planned Residential (PR). A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan shall contain all items required by this ordinance and shall include those items which the planning commission shall specify in rules published from time to time, as well as the following.

(i) Written documents. (A) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

(B) A statement of planning objectives to be achieved by the PHR or PR through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(C) A development schedule indicating the approximate date when construction of the PHR or PR or stages of the PHR or PR can be expected to begin and be completed.

If the Planned Historic Residential (PHR) or Planned Residential (PR) is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

(1) The approximate date when construction of the project can be expected to begin.

(2) The order in which the phases of the project will be built.

(3) The minimum area and the approximate location of common open space and public improvements that will be required at each stage.

(D) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Historic Residential (PHR) or Planned Residential (PR), such as land areas, dwelling units, etc.

(E) Data including the following: total number and type of dwelling units; parcel size; providing lot coverage of

buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figures for useable open space.

(F) A statement setting forth in detail either:

(1) The exceptions which area required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Historic Residential (PHR) or Planned Residential (PR), or

(2) The bulk regulations under which the Planned Historic Residential (PHR) or Planned Residential (PR) is proposed.

(G) deed restrictions, contracts, and homeowners agreements. Gated communities shall stipulate a entity responsible for coordination of access for emergency and law enforcement personnel.

(ii) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed Planned Historic Residential (PHR) or Planned Residential (PR) must contain the following minimum information:

(A) The existing site conditions including contours at two foot (2') intervals, water courses, flood plains, unique natural features and forest cover.

(B) Proposed lot lines and plot designs.

(C) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.

(D) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.

(E) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.

(F) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

(G) The existing and proposed utility systems including septic fields, ditches, detention/retention areas,

water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)

(H) A general landscape plan indicating the treatment of materials used for private and common open spaces.

(I) Enough information on land areas adjacent to the proposed PHR or PR to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

(J) The proposed types of screens, fences, and walls.

(K) Any additional information as required by the planning commission necessary to evaluate the character and impact of the proposed planned unit

(c) Preliminary development plan approval process and effect of approval.

(i) At least thirty (30) days prior to the planning commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the planning commission the preliminary development plan, and all other information required under this section. The planning commission shall review the application and shall recommend to the board of mayor and aldermen to: approve; disapprove; or approve the Planned Historic Residential (PHR) or Planned Residential (PR) subject to conditions. The planning commission may also defer a decision or take the matter under advisement until the next regular meeting.

(ii) The board of mayor and aldermen shall hold a public hearing on the application for the Planned Historic Residential (PHR) or Planned Residential (PR) and the preliminary plan after receipt of recommendations from the planning commission, public utilities, and town attorney and any notice of appeal. The board of mayor and aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with map amendment procedures of this ordinance. The board of mayor and aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Historic Residential (PHR) or Planned Residential (PR) and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.

(iii) The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of La Grange Board with respect to the contents of such plan.

(iv) The preliminary development plan shall be used in lieu of a master subdivision plan.

(v) The La Grange Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

(d) Final Development plan approval process.

(i) An application for approval of a final development plan of the entire Planned Historic Residential (PHR) or Planned Residential (PR), if it is to be completed in one (1) phase, or of a portion of the Planned Historic Residential (PHR) or Planned Residential (PR), if it consists of more than one (1) phase, shall be submitted by the applicant at least thirty (30) days prior to the planning commission meeting.

(A) A plan suitable for recording with the Fayette County Register's Office

(B) Proof referred to on the plan and satisfactory to the town attorney as to the provision and maintenance of common open space.

(C) All certificates, seals and signatures required for the dedication of land and recordation of documents.

(D) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross area and the gross floor area for recreational or community facilities.

(E) Location and type of landscaping.

(F) Location and dimensions of utility and drainage facilities.

(G) All other requirements of a final plan under the La Grange Subdivision Regulations.

(H) Proof referred to on the plan and satisfactory to the town attorney, county attorney, county, municipal services, the County 911 system and any private agency with a service area applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR) as to the concerning access safeguards from both county, municipal services, the County 911 system and any private agency with a service area applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR).

(ii) A decision shall be rendered on a final development plan by the planning commission. If a final plan is disapproved by the planning commission the applicant may file a final development plan which substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.

(iii) After a final development plan is approved by the planning commission, the zoning compliance officer (or zoning compliance officer) shall record such plan in the Fayette County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of La Grange Subdivision Regulations and the required signatures for recordation have been secured.

(e) Zoning administration--permits. The zoning compliance officer may issue building permits for the area of the Planned Historic Residential (PHR) or Planned Residential (PR) covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. However, the zoning compliance officer shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Historic Residential (PHR) or Planned Residential (PR) unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or homeowners' association or a responsible party. The zoning compliance officer shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances.

(f) Reapplication if denied. If any application for a Planned Historic Residential (PHR) or Planned Residential (PR) is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Historic Residential (PHR) or Planned Residential (PR) may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the planning commission or authorized by the board of mayor and aldermen.

(g) Procedure for amendment. A Planned Historic Residential (PHR) or Planned Residential (PR) and the approved preliminary development plan may be amended in accordance with the procedure which governed its approval as set forth in this section. (Ord. #2012-04, Nov. 2012)

CHAPTER IX

HISTORIC PRESERVATION FOR THE TOWN OF LA GRANGE¹

HISTORIC ZONING PROVISIONS

14-901. Statement of purpose. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation ordinance is designed to achieve the following goals:

(1) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political archaeological, and architectural identity.

(2) Insure the harmonious, orderly, and efficient growth and development of the town.

(3) Strengthen civil pride and cultural stability through neighborhood conservation.

(4) Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources.

(5) Promote the use of resources for the education, pleasure, and welfare of the people of the Town of La Grange.

(6) Provide a review process for the preservation and development of the town's resources. (Ord. #2012-04, Nov. 2012)

14-902. Historic zoning commission; composition and terms. The town is authorized to establish a historic zoning commission to preserve, promote, and develop the town's historical resources and to advise the town on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

The commission shall consist of seven (7) members and which shall consist of a representative of a local patriotic or historical organization; an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general. The position of architect or engineer may be filled by a local citizen at the time of adoption. The terms of the historic zoning commission shall be five (5) years. Members are eligible to serve more than one (1) term. The term of at least one (1) member shall expire each year. Appointments are made by the mayor and are confirmed by the chief legislative body of the municipality.

¹Design Guidelines La Grange Tennessee is included in its entirety as Appendix B.

All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The town should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The town shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board. (Ord. #2012-04, Nov. 2012)

14-903. Powers of the commission. (1) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of La Grange.

(2) The commission shall recommend to the town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.

(3) The commission may recommend that the town recognize sub-districts within any preservation district,

(4) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmarks sites.

(5) The commission shall grant or deny certificate of appropriateness, and may grant certificate of appropriateness contingent upon the acceptance by the applicant of specified conditions.

(6) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

(7) The commission, subject to the requirements of the town, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the town for the purpose of carrying out the provisions of this ordinance.

(8) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment,

(9) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof. (Ord. #2012-04, Nov. 2012)

14-904. Rules of order (by-laws). To fulfill the purposes of this ordinance and carry out the provisions contained therein, the historic zoning commission shall adopt by-laws. (Ord. #2012-04, Nov. 2012)

14-905. Criteria for issuance of certificate of appropriateness. The commission shall use the Secretary of the Interior's standards for rehabilitation, as the basics for design guidelines created for each district or landmark and the following criteria in granting or denying certificate of appropriateness. (Ord. #2012-04, Nov. 2012)

14-906. Procedures for issuance of certificate of appropriateness. In accordance with Tennessee Code Annotated, § 13-7-408, The historic zoning commission shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing. In its review of any such work to be undertaken in a historic district or zone, the historic zoning commission or the regional historic zoning commission shall apply the applicable review guidelines and give prime consideration to:

- (1) Historic or architectural value of the present structure;
- (2) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;
- (3) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
- (4) Any other factor, including aesthetic, which is reasonably related to the purposes of title 13, chapter 7, part 4. (Ord. #2012-04, Nov. 2012)

14-907. Economic hardship. No decision of the commission shall cause undue economic hardship. If an applicant request a hearing on economic hardship it shall be conducted after a certificate of appropriateness has been denied. (Ord. #2012-04, Nov. 2012)

14-908. Appeals. The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law. (Ord. #2012-04, Nov. 2012)

14-909. Minimum maintenance requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the town's minimum housing code and the town's building code. (Ord. #2012-04, Nov. 2012)

14-910. Public safety exclusion. In accordance with Tennessee Code Annotated, § 13-7-407, this ordinance prevents the demolition by neglect of any designated landmark or any building or structure within an established historic zone or district by requiring a certificate of appropriateness may be requested of a property owner by a majority vote of historic zoning commission in accordance with this ordinance and/or the guidelines as established by the historic zoning commission under state and federal laws or regulations. This

vote may be requested by a zoning compliance officer, the mayor, or an officer of the historic zoning commission. The property owner in question shall be informed by registered mail at least fifteen (15) days prior to the meeting at which the vote is requested.

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the town zoning compliance officer or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

(1) The town zoning compliance officer concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

(2) The historic zoning commission, if in doubt after receiving such notification from the town zoning compliance officer, shall be allowed time to seek outside professional expertise from the state historic preservation office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate in writing by letter to the town zoning compliance officer that it will require a time period of up to thirty (30) days for this purpose, and upon such notification to the town zoning compliance officer, this section shall be suspended until the expiration of such a delay period. (Ord. #2012-04, Nov. 2012)

14-911. Enforcement and penalties. The historic zoning commission shall be enforced by the town zoning compliance officer, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #2012-04, Nov. 2012)

14-912. Appropriations. The town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (Ord. #2012-04, Nov. 2012)

14-913. Disqualification of members by conflict of interest.

Because the town may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the commission during all discussions and voting for that application. In such cases, the town shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the town is able to substitute for the disqualified member, the Town may appoint, in this case only, a qualified substitute who is a resident. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the town to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred feet (300') of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above. (Ord. #2012-04, Nov. 2012)

14-914. Severability. The requirements and provisions of this chapter are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative. (Ord. #2012-04, Nov. 2012)

CHAPTER X

ADMINISTRATION AND ENFORCEMENT

14-1001. Administration. The provisions of this ordinance shall be administered and enforced by a zoning compliance officer (or building inspector) appointed by the chief legislative body. He may be provided with the assistance of such other persons as the chief legislative body may direct and shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement and administration of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1002. Enforcement. If the zoning compliance officer (or building inspector) shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person, or persons, responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions. (Ord. #2012-04, Nov. 2012)

14-1003. Building permit provisions. (1) It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the zoning compliance officer (or building inspector) has issued a building permit for such work. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written order from the board of zoning appeals.

(2) In applying to the zoning compliance officer (or building inspector) for a building permit, the applicant shall submit a site plan as required under this zoning ordinance. The applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required by the zoning compliance officer (or building inspector) for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of La Grange, then in force, the zoning compliance officer (or building inspector) shall issue a building permit for such excavation or construction. If a building permit is refused, the zoning compliance officer (or building inspector) shall state such refusal in writing with the cause. Historic zoning provisions will apply in the historic districts and may require other information.

(3) The issuance of a permit shall in no case be construed as waiving any provision of this ordinance or historic guidelines.

(4) A building permit or site plan shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein. (Ord. #2012-04, Nov. 2012)

14-1004. Certificates of zoning compliance. (1) It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning compliance officer (or building inspector) stating that the proposed use of the building or land conforms to the requirements of this ordinance.

(2) No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certification of zoning compliance shall have been issued by the zoning compliance officer (or building inspector). The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

(3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

(4) A temporary certificate of zoning compliance may be issued by the zoning compliance officer (or building inspector) for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect safety of the occupants and the public.

(5) The zoning compliance officer (or building inspector) shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

(6) Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under the general penalty clause for this code. (Ord. #2012-04, Nov. 2012)

14-1005. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this ordinance, the zoning compliance officer (or building inspector) or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land. (Ord. #2012-04, Nov. 2012)

CHAPTER XI

BOARD OF ZONING APPEALS

14-1101. Purpose. The board of zoning appeals is created as an appellate board to review: actions of the zoning compliance officer (or building inspector); applications for special exceptions, requests for variances, and other actions as specified in this ordinance or in Tennessee Code Annotated. Appeals concerning the historic zoning commission are governed in accordance with title 13, chapter 7, part 4. In all cases the actions of the board of zoning appeals for the Town of La Grange shall be governed as set forth below. (Ord. #2012-04, Nov. 2012)

14-1102. Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, § 13-7-205. The board of zoning appeals shall consist of five (5) members, not less than one (1) of whom shall be a member of the La Grange Historical Zoning Commission and one (1) of whom shall be a member of the La Grange Board of Mayor and Aldermen appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be five (5) years, except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3) years, respectively. Terms of the appointees of the historical zoning commission and board of mayor and aldermen shall run concurrently with those positions, but shall not exceed five (5) years without being reappointed by the board of mayor and aldermen. Vacancies shall be filled for an unexpired term by appointment from the mayor with confirmation by the board of mayor and aldermen.

All members of the board shall serve with such compensation as may be fixed by the board of mayor and aldermen and may be removed from membership by majority vote of the board of mayor and aldermen for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. (Ord. #2012-04, Nov. 2012)

14-1103. Powers and duties of board. (1) Administrative reviews. The board of zoning appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, permit, decision, determination or refusal made by the zoning compliance officer (or building inspector) or other administrative official in the enforcement of any provision of this ordinance.

(2) Granting of variances. The board of zoning appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

(3) Special exceptions. The board of zoning appeals shall have the power to hear and decide only such special exceptions as the board of zoning appeals is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1104. Proceedings of board. The board of appeals shall adopt rules for the transaction of its business and the regulation of procedure before it. Meetings of the board shall be held at such times and at such places within the town as the board may designate, and meetings may be held at any time at the call of the chairman. The chairman of the board, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official action, all of which shall be immediately filed in the city hall and shall be a public record. Upon appointment and annually the board of zoning appeals shall meet and organize and shall elect its own chairman who shall serve one (1) year or until his successor duly qualifies. (Ord. #2012-04, Nov. 2012)

14-1105. Appeals to board. Appeals may be taken to and before the board of appeals by any person aggrieved, or by any officer, department, board or bureau of the town. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the zoning compliance officer (or building inspector) from whom the appeal is taken and with the board, a written notice of appeal and specifying the grounds thereof. The zoning compliance officer (or building inspector) shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken. (Ord. #2012-04, Nov. 2012)

14-1106. Notices and hearings. The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give due giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appeal in person or by agent or by attorney. The applicant shall be responsible for the pay of an application fee established by the board of mayor and alderman. The minimum fee shall cover any cost for the publication of the public hearing notice. (Ord. #2012-04, Nov. 2012)

14-1107. Appeals from board. Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of

the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the state. (Ord. #2012-04, Nov. 2012)

14-1108. Administrative review procedures. (1) It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the administrative official, and that recourse from the decision of the board of zoning appeals shall be to the courts as provided by law.

(2) A reversal or amendment of an administrative decision of interpretation of this ordinance by the zoning compliance officer (or building inspector) shall not be granted by the board of zoning appeals unless and until:

(a) A written application for review of such order, requirement, permit, decision, determination, or refusal made by the zoning compliance officer (or building inspector) shall be submitted;

(b) The board of zoning appeals shall find sufficient grounds to decide that an error was made;

(c) In exercising its power, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official and from whom the appeal is taken. (Ord. #2012-04, Nov. 2012)

14-1109. Variance procedures. (1) Variance. To hear and decide applications for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this ordinance or preceding zoning ordinance or amendments was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.

(b) The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

(c) The variance will not authorize activities in a zoning district other than those permitted by this ordinance.

(d) Financial returns alone shall not be considered basis for granting a variance.

(e) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.

(f) That granting of the variance requested will not confer on this applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

(g) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.

(i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(j) The variance is not based on the fact of non-conforming use of neighboring lands, structures, or buildings in the same district.

(k) Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(2) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1110. Special exception procedures. A special exception shall not be granted by the board of zoning appeals unless and until:

(1) A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

(2) The board of zoning appeals shall make a finding that it is empowered under these sections of this ordinance described as a special exception in the application to grant such exception, and that the granting of the special exception will not adversely affect the public interest.

(3) In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception shall void the approval. (Ord. #2012-04, Nov. 2012)

14-1111. Restrictions. The board of zoning appeals shall not have the power to permit a use prohibited by this ordinance, have the power to subdivide land, or exercise any power granted to the planning commission or legislative body as provided under Tennessee Code Annotated or other applicable law. (Ord. #2012-04, Nov. 2012)

CHAPTER XII

AMENDMENT

14-1201. Amendment requirements. Whenever the public necessity, convenience, general welfare, or good zoning practice justified such action, the Board of Aldermen of the Town of La Grange may from time to time, amend, supplement, or change by ordinance the boundaries of districts or regulations herein established. Any proposed amendment, supplement, or change shall first be submitted to the La Grange Municipal Planning Commission for its recommendation and report. (Ord. #2012-04, Nov. 2012)

14-1202. Amendment application. A proposed change of district or of text may be initiated by the La Grange Municipal Planning Commission, the board of aldermen, or by application of one (1) or more owners of property within the area proposed to be changed. (Ord. #2012-04, Nov. 2012)

14-1203. Application fee. Before any action is taken upon any application as provided in this section, either by the La Grange Municipal Planning Commission or the board of aldermen, the applicant shall deposit with the La Grange Municipal Planning Commission the fee prescribed by the board of aldermen to cover the approximate cost of the procedure and the commission shall then deposit this amount with the town recorder where it shall be credited to the general revenue fund of the town. The failure of either the planning commission or the board of aldermen to approve the change shall not be construed as any reason for refunding the deposit to the applicant. (Ord. #2012-04, Nov. 2012)

14-1204. Public notice and hearing. Before enacting the zoning ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved receive the favorable vote of the majority of the entire membership of said chief legislative body. (Ord. #2012-04, Nov. 2012)

14-205. Planning commission recommendation. The La Grange Municipal Planning Commission may recommend that the regulations or the district map be changed as requested, be made, or that no change be made. This recommendation shall be forwarded to the board of aldermen. (Ord. #2012-04, Nov. 2012)

CHAPTER XIII

LEGAL STATUS PROVISIONS

14-1301. Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of La Grange, Tennessee, the most restrictive shall in all cases apply. (Ord. #2012-04, Nov. 2012)

14-1302. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #2012-04, Nov. 2012)

14-1303. Effective date. This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it. (Ord. #2012-04, Nov. 2012)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic control signs, etc.
- 15-109. General requirements for traffic control signs, etc.
- 15-110. Unauthorized traffic control signs, etc.

¹Municipal code reference
Streets and sidewalks: title 16.

²Municipal code reference
State law

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 in Tennessee Code Annotated, § 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-502.

- 15-111. Presumption with respect to traffic control signs, etc.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-121. Delivery of vehicle to unlicensed driver, etc.
- 15-122. Compliance with financial responsibility law required.

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. (1993 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. (1993 Code, § 9-102)

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. (1993 Code, § 9-103)

15-104. 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. (1993 Code, § 9-105)

15-105. 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 town 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. (1993 Code, § 9-106)

15-106. 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. (1993 Code, § 9-107)

15-107. 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. (1993 Code, § 9-108)

15-108. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1993 Code, § 9-109)

15-109. 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,² 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 town. This section shall not be construed as being mandatory but is merely directive. (1993 Code, § 9-110)

¹Municipal code reference

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²This manual may be obtained at mutcd.fhwa.dot.gov.

15-110. 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. (1993 Code, § 9-111)

15-111. 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 town authority. (1993 Code, § 9-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1993 Code, § 9-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1993 Code, § 9-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1993 Code, § 9-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1993 Code, § 9-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) 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 feet (200') from the rear of such vehicle. (1993 Code, § 9-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1993 Code, § 9-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1993 Code, § 9-119)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1993 Code, § 9-120)

15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

- (a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces no more than five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five (125) cubic centimeters;

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town 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, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle 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.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1993 Code, § 9-121)

15-121. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of La Grange unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town. (1993 Code, § 9-122)

15-122. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof and that such motor vehicle was being operated with the owner's consent.

It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the town's municipal code of ordinances.

On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #2002-01, June 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1993 Code, § 9-201)

15-202. Operation of authorized emergency vehicles.¹ (1) 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 feet (500') 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.

(2) 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.

(3) 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.

(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. (1993 Code, § 9-202)

¹Municipal code reference

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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1993 Code, § 9-203)

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 police officer. (1993 Code, § 9-204)

CHAPTER 3**SPEED LIMITS****SECTION**

15-301. In general.

15-302. At intersections.

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 thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1993 Code, § 9-301)

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. (1993 Code, § 9-302)

CHAPTER 4

TURNING MOVEMENTS**SECTION**

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1993 Code, § 9-401)

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. (1993 Code, § 9-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (1993 Code, § 9-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) 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. (1993 Code, § 9-404)

15-405. U-turns. U-turns are prohibited. (1993 Code, § 9-405)

¹Municipal code reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING**SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At flashing traffic-control signals.
- 15-508. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1993 Code, § 9-501)

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. (1993 Code, § 9-502)

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. (1993 Code, § 9-503)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1993 Code, § 9-504)

15-505. 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. (1993 Code, § 9-505)

15-506. 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. (1993 Code, 9-506)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) "Flashing red (stop signal)." When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) "Flashing yellow (caution signal)." When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1993 Code, § 9-507)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise,

without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1993 Code, § 9-508)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal 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 town shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the town 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 inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1993 Code, § 9-601)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1993 Code, § 9-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1993 Code, § 9-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') 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 feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:

(a) Physically handicapped; or

(b) Parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, § 55-8-160.

Pursuant to Tennessee Code Annotated, § 55-21-108(b), the prohibitions contained in this paragraph shall apply on private as well as public property. (1993 Code, § 9-604)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1993 Code, § 9-605)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town. (1993 Code, § 9-606)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1993 Code, § 9-607)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one (1) time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1993 Code, § 9-608)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one (1) space may be permitted to occupy two (2) adjoining spaces provided proper coins are placed in both meters. (1993 Code, § 9-609)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1993 Code, § 9-610)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1993 Code, § 9-611)

15-612. 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. (1993 Code, § 9-212)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of drivers' license in lieu of bail.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town 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. (1993 Code, § 9-701)

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. (1993 Code, § 9-702)

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 thirty (30) days during the hours and at a place specified in the citation.

If the offense is a parking meter parking violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

thirty (30) days, but before a warrant for his arrest is issued, his fine shall be three dollars (\$3.00). For other parking violations the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be three dollars (\$3.00) within thirty (30) days and five dollars (\$5.00) thereafter, except for the violation of parking in a handicapped parking space under § 15-604(13) of this code, for which the offender may be punished according to the general penalty provisions of this code of ordinances. (1993 Code, § 9-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1993 Code, § 9-704)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1993 Code, § 9-705)

15-706. Deposit of drivers' license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any person chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, § 55-7-401, et seq. (1993 Code, § 9-706)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

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. (1993 Code, § 12-101)

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 or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1993 Code, § 12-102)

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, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1993 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code and shall be erected so as not to obstruct the safe view of vehicle operators.¹ (1993 Code, § 12-104, modified)

16-105. 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 or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1993 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1993 Code, § 12-106)

16-107. 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. (1993 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1993 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1993 Code, § 12-109)

16-110. Parades, etc., 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

¹Municipal code reference

Building code: title 12, chapter 1.

securing a permit from the recorder. No permit shall be issued by the recorder 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 clean up the resulting litter immediately. (1993 Code, § 12-110, modified)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1993 Code, § 12-111)

16-112. 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. (1993 Code, § 12-112)

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Notification required.
- 16-202. Safety restrictions on excavations.
- 16-203. Restoration of streets, etc.
- 16-204. Driveways.

16-201. Notification required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first notified the town recorder provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without such notification when emergency circumstances demand the work to be done immediately and notification cannot reasonably and practicably be given. The person shall thereafter give notification on the first regular business day on which the office of the town recorder is open for business. (1993 Code, § 12-201)

16-202. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall provide sufficient and proper barricades and lights to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1993 Code, § 12-202)

16-203. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1993 Code, § 12-203)

16-204. Driveways. No one shall build or maintain a driveway that intersects with a town street, alley, or other public place without first notifying the public works director. No driveway approach shall be permitted within twenty-five feet (25') of the right-of-way of the intersecting street, and no more than one (1) driveway approach shall be permitted per lot when the lot is seventy-five feet (75') or less in width fronting on any street. All new constructions or replacement of driveway drainage culverts shall have minimum dimensions of fifteen inches (15") in diameter for metal corrugated pipe or twelve inches (12") in diameter for concrete pipe, and twenty feet (20') in length, unless the public works director determines that larger dimensions are necessary for the adequate flow of storm water, and shall be constructed in a manner not to impede adequate drainage along the road right-of-way. (1993 Code, § 12-204)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1993 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town 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. (1993 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town 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 town handles mechanically. Furthermore, except for containers which the town handles

¹Municipal code reference

Property maintenance regulations: title 13.

mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') before being deposited for collection. (1993 Code, § 8-203)

17-104. Location of containers. All refuse containers shall be placed for collection at the ground level and accessible to and no more than six feet (6') from the side of the street or alley from which collection is made, or the same may be placed upon an approved rack or stand, constructed and placed at such a place as may be directed by the mayor. (1993 Code, § 8-204)

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. (1993 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the mayor. Collections shall be made regularly in accordance with an announced schedule. (1993 Code, § 8-206)

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. (1993 Code, § 8-207)

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 mayor and aldermen is expressly prohibited. (1993 Code, § 8-208)

17-109. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by ordinance or resolution.¹ (1993 Code, § 8-209)

¹Administrative ordinances and resolutions are of record in the office of the town recorder.

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Connection to water system required.
- 18-104. Application and contract for service.
- 18-105. Connection charges.
- 18-106. Water main extensions.
- 18-107. Water main extension variances.
- 18-108. Customer billing and payment policy.
- 18-109. Termination or refusal of service.
- 18-110. Termination of service by customer.
- 18-111. Access to customers' premises.
- 18-112. Inspections.
- 18-113. Customer's responsibility for system's property.
- 18-114. Customer's responsibility for violations.
- 18-115. Supply and resale of water.
- 18-116. Unauthorized use of or interference with water supply.
- 18-117. Damages to property due to water pressure.
- 18-118. Liability for cutoff failures.
- 18-119. Restricted use of water.
- 18-120. Interruption of service.
- 18-121. Schedule of rates.
- 18-122. Establishment of application fees and security deposits.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water service from the town and shall apply

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

whether the service is based upon contract, agreement, signed application, or otherwise. (1993 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the town under either an express or implied contract.

(2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(3) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(4) "Service line" shall consist of the pipe line extending from any water main of the town to private property. (1993 Code, § 13-102)

18-103. Connection to water system required. Any person and/or entity who acquires an existing commercial or residential property within corporate limits is required to ascertain whether the acquired property is connected to and is utilizing the water system as its primary source of water supply.

(1) Should the acquired property not be connected to the water system, the person and/or entity acquiring said property shall be responsible for engaging in, or arranging for and accomplishing, all acts necessary to connect that property to the water system in a fully operational manner within thirty (30) days of acquiring the property.

(2) Upon connection of the acquired property to the town water system, or the ascertainment by the acquiring person and/or entity that the property is connected to the town water system and that the town water system is fully operational in the acquired property, the acquiring person and or entity shall ensure that the primary source of water for that property is acquired through the town water system at such rates as are applicable.

In the interest of public health and safety, the purpose of this section is to assist in adequate fire protection, and to ensure that all water used/consumed within a commercial building or private residence is obtained from a safe, regulated, and monitored source.

The section is applicable upon the sale, transfer lease, donation, or other means of conveyance from one (1) person and/or entity to another person and/or entity of any commercial or residential building located within the corporate limits of the town. (Ord. #98-01, Feb. 1998)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract.

The receipt of a prospective customer's application for service shall not obligate the town to render the service applied for. If the service applied for

cannot be supplied in accordance with the provisions of this chapter, the town shall have no liability. (1993 Code, § 13-103)

18-105. Connection charges. Service lines will be laid by the town from mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

All applicants for water service shall pay such connection charges and application fees as the town may from time to time prescribe by resolution prior to installation.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to the property line. The remaining portion of the service line beyond the property line shall belong to and be the responsibility of the customer. (1993 Code, § 13-104, as amended by Ord. #2006-01, Feb. 2006)

18-106. Water main extensions. Persons desiring water main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water system and shall furnish water service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1993 Code, § 13-105)

18-107. Water main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1993 Code, § 13-106)

18-108. Customer billing and payment policy. Water bills shall be rendered monthly and shall designate a standard net payment period for all

members of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period.

Payment must be received in the water department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M. (1993 Code, § 13-107)

18-109. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

The right to discontinue service shall apply to all water services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and
 - (i) The amount due, including other charges.
 - (ii) The last date to avoid service termination.
 - (iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the water department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water department, plus the payment of a reconnection charge of forty dollars (\$40.00). (1993 Code, § 13-108, as amended by Ord. #2002-03, June 2002)

18-110. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1993 Code, § 13-109)

18-111. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1993 Code, § 13-110)

18-112. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1993 Code, § 13-111)

18-113. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1993 Code, § 13-112)

18-114. Customer's responsibility for violations. Where the town furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1993 Code, § 13-113)

18-115. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town.

As used in this section, "well" shall mean any excavation or opening into the ground made by digging, boring, drilling, driving or other method for the purpose of obtaining water.

It shall be unlawful for anyone to make, drill or dig a well for potable water within the town limits. (1993 Code, § 13-114, as amended by Ord. #1996-1, April 1996)

18-116. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1993 Code, § 13-115)

18-117. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by

high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1993 Code, § 13-116)

18-118. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1993 Code, § 13-117)

18-119. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1993 Code, § 13-118)

18-120. Interruption of service. The town will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1993 Code, § 13-119)

18-121. Schedule of rates. All water service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.¹ (1993 Code, § 13-120)

¹Administrative ordinances and regulations are of record in the office of the town recorder.

18-122. Establishment of application fees and security deposits.

(1) Application fee for water service. The board of mayor and aldermen hereby establish that all applicants for municipal water service shall pay to the town a fee of twenty-five dollars (\$25.00) to recover the town's cost of creating the new customer account. Such fee shall be non-refundable and non-transferable.

(2) Deposit required to obtain water service. All applicants for municipal water service shall pay to the Town of La Grange a refundable deposit of one hundred twenty-five dollars (\$125.00) to assure the customer's compliance with all rules and regulations of the La Grange municipal water utility. Upon termination of service, the customer shall be eligible for a refund of the deposit without interest, less any amounts owed to the municipal water utility. (Ord. #2013-05, Dec. 2013)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a septic tank shall be used.
- 18-204. Registration and records of septic tank cleaners, etc.
- 18-205. Approval and permit required for septic tanks, privies, etc.
- 18-206. Owner to provide disposal facilities.
- 18-207. Occupant to maintain disposal facilities.
- 18-208. Only specified methods of disposal to be used.
- 18-209. Discharge into watercourses restricted.
- 18-210. Pollution of ground water prohibited.
- 18-211. Enforcement of chapter.
- 18-212. Carnivals, circuses, etc.
- 18-213. Violations.

18-201. Definitions. The following definitions shall apply in the interpretation of this chapter.

(1) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendation of the health officer as determined by acceptable soil percolation data.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

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

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

(5) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1993 Code, § 8-301, modified)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have water carried sewage facilities. (1993 Code, § 8-302)

18-203. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water carried sewage disposal system shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1993 Code, § 8-303)

18-204. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1993 Code, § 8-304)

18-205. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1993 Code, § 8-305)

18-206. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner, to provide such facilities. (1993 Code, § 8-306)

18-207. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1993 Code, § 8-307)

18-208. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter. (1993 Code, § 8-308)

18-209. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Department of Environment and Conservation Division of Water Pollution Control. (1993 Code, § 8-309, modified)

18-210. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water. (1993 Code, § 8-310)

18-211. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1993 Code, § 8-311)

18-212. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these

cases, the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1993 Code, § 8-312)

18-213. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1993 Code, § 8-313)

CHAPTER 3**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹****SECTION**

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross connection." Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur are considered to be cross connections.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

¹Municipal code reference

Building and plumbing code: title 12.

(6) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (1993 Code, § 8-401, modified)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1993 Code, § 8-402)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the mayor or his representative. (1993 Code, § 8-403, modified)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of Water Works of the Town of La Grange a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises.

The aforementioned statement shall be submitted to the superintendent of the water works prior to installation of a well for non-potable use. The statement form shall also include the owner's name, signature and property address on which the well would be drilled, and the name, address, telephone number of the installer, license number and well tag number. The superintendent of water works shall issue a permit which indicates receipt of the aforementioned information, all aspects being required prior to the issuance of an approved permit to drill the well. The fee for the permit shall be set solely by the board of mayor and aldermen and from time to time revised as the need dictates. (1993 Code, § 8-404, as amended by Ord. #1998-03, Oct. 1998)

18-305. Inspections required. It shall be the duty of the Town of La Grange Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection,

based on potential health hazards involved, shall be established by the superintendent of water works and as approved by the Tennessee Department of Environment and Conservation. (1993 Code, § 8-405, modified)

18-306. Right of entry for inspections. The superintendent of water works or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1993 Code, § 8-406)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of water works.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of water works shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent of water works shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1993 Code, § 8-407)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent of water works, or his designated

representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;

(3) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of water works or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of water works prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of water works or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the superintendent of water works shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The superintendent of water works shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of water works.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of water works. (1993 Code, § 8-408)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall

be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (1993 Code, § 8-409)

18-310. Violations. The requirements contained herein shall apply to all premises served by the town water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1993 Code, § 8-410)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1¹

ELECTRICITY

SECTION

19-101. To be furnished by Bolivar Energy Authority.

19-101. To be furnished by Bolivar Energy Authority. Electricity shall be provided to the Town of La Grange and its inhabitants by Bolivar Energy Authority (BEA). The rights, powers, duties, and obligations of the Town of La Grange and its inhabitants, are stated in the agreements between the parties. (1993 Code, § 13-201, modified)

¹The agreements are of record in the office of the town recorder.

CHAPTER 2

GAS

SECTION

19-201. To be furnished by Hardeman Fayette Utility District.

19-201. To be furnished by Hardeman Fayette Utility District.
Natural gas services shall be provided to the Town of La Grange and its inhabitants by the Hardeman Fayette Utility District. The rights, powers, duties, and obligations of the Town of La Grange and its inhabitants, are stated in the agreements between the parties.¹ (1993 Code, § 13-301)

¹The agreements are of record in the office of the town recorder.

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

Appendix A

1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of

goods or services in a municipality. A “direct interest” is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq.* Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from “knowingly” receiving any form of compensation for “consulting services” other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

“Consulting services” under T.C.A. § 2-10-122 means “services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official.” “Consulting services” also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. “Consulting services” does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude” (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal “duty” to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that “there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county.” However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney’s duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

APPENDIX B

TOWN OF LA GRANGE

DESIGN GUIDELINES



History of
La Grange
Tennessee

DESIGN GUIDELINES



La Grange

T e n n e s s e e



La Belle Village

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HISTORY OF LA GRANGE and HISTORIC PRESERVATION IN LA GRANGE

“La Grange is a stately plantation village with the style and elegance of yesteryear.” It is unique because of its overall ambiance, especially the antebellum homes that we are fortunate enough to have retained as private residences.

In May of 1972 La Grange adopted a planning ordinance and also applied for recognition as a historical district. The Tennessee Historical Commission sent experts to review and prepare an inventory of the entire town of La Grange. Through the efforts of the townspeople, historical researchers, and historical architect, Edwin Keeble, the Town of La Grange, on April 4, 1975, was entered on the National Register of Historic Places by the United States Department of Interior.

With this coveted recognition comes a great responsibility. It is the duty of the residents of La Grange to protect, preserve, and maintain its priceless heritage for present and future generations. The Design Guidelines of the Historic District for the Town of La Grange have been adapted to serve this purpose.

THE HISTORIC ZONING DISTRICTS

The National Register of Historic Places is a federal program administered by the Department of the Interior. Listing on the national Register is purely honorary – a way to recognize the district as an intact and important part of Tennessee history and thus, America’s history.

The districts zoned as “Historic” are locally designated and the La Grange Historic Zoning Commission administers their design guidelines. Historic Zoning is an overlay zoning and the design guidelines apply in addition to the regulations described in the La Grange Municipal Zoning Ordinance, a part of the La Grange Municipal Code. There are three Historic District Zones designated in the La Grange Municipal Zoning Ordinance and Accompanying Zoning Map: Historic – Residential (H-R), Historic -- Commercial (H-C), and Historic – Agricultural (H-A).



History of
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Design Guidelines for the Historic District of the Town of La Grange, Tennessee

INTRODUCTION

Architectural guidelines serve the Historic Zoning Commission, HZC, the Town's architectural review board, in evaluating appropriate alterations, renovations, and rehabilitation efforts for the protection and preservation of historic resources in La Grange. The purpose of HZC is to maintain the town's unique architectural heritage and visual character.

The following Design Guidelines, based on the Secretary of the Interior's Standards for Rehabilitation, are designed to help property owners formulate plans for the new construction, rehabilitation, preservation, and continued use of old buildings consistent with the intent of the HZC. The Design Guidelines pertain to buildings of all occupancy and construction types, sizes, and materials.

The Design Guidelines describe items and materials traditional to La Grange architecture. They serve as a guide to the property owner in the historic district. The Design Guidelines are meant to simplify regulations that protect the historic district. The applicant's use of the items and materials in the manner described will generally result in the approval of a C.O.A.

Property owners or their legally designated agent (in writing) shall secure the approval of the HZC before a permit is issued and work is begun. Failure to acquire approval shall make the individual property owner liable for sanctions under Town of La Grange ordinances.

An application for the proper Certificate of Appropriateness, COA, will be made to the Historic Zoning Commission, the regulatory body that rules on the applications in an objective manner based only on our guidelines, which we have been charged to enforce.

The HZC's approval MUST be secured prior to:

- Alterations to buildings
- Removal of existing fabric or change of paint color
- Restoration or rehabilitation of buildings
- Addition to existing buildings
- New construction
- Demolition of any existing architectural fabric
- Fences, either new or replaced
- Alterations to streets, sidewalks, or street furnishings
- Installation of signs, awnings, or lighting
- Construction of swimming pools and/or decks
- Miscellaneous structures (i.e. towers, etc.)
- Improvements of a right-of-way, public and private
- Exposed utilities
- Any work that affects the aesthetic and/or historical integrity of the historic district

HZC approval NOT required:

- Routine maintenance

DESIGN ASSISTANCE

This document is not intended to be a substitute for professional design services. Commissioning of an architect or other design professional sensitive to and experienced in preservation and rehabilitation projects is encouraged as a means of achieving a project that is in harmony with the building's historic character and the historic environment of which it is a part.

TYPES OF PROJECTS: REVIEW CONSIDERATIONS

Projects within the historic districts shall be categorized as:

- Restoration or renovation with no apparent change to the appearance of a historic structure
- Additions and/or alterations to the appearance of a historic structure
- New Construction
- Demolition

1. Restoration or renovation with no apparent change to the appearance of a historic structure

If no architectural change to the external appearance of a building is made, the use of traditional materials to match what already exists is recommended. Some traditional materials are not available and alternate solutions are included in the Design Guidelines.

2. Additions and/or alterations to a historic structure

Some exterior and interior alterations to the historic building are occasionally needed to assure its continued use, but it is important that such alterations do not radically change, obscure, or destroy character-defining materials, features, or finishes. The construction of an exterior addition to a historic building may seem to be essential for the new use, but such new additions should be avoided, if possible, and considered only after it is determined that those needs cannot be met by altering interior space. The building's features should not be radically changed, obscured, damaged or destroyed. The HZC shall allow additions, if at all, preferably at the rear of a structure or where otherwise not visible from the street.

3. New Construction

Design guidelines cannot guarantee design excellence in a historic district or anywhere else, but they can focus attention on those special visual and spatial qualities that a historic district is established to protect. Elements of concern to HZC, as outlined in the *Savannah Criteria*, include:

- a) Height. As a general rule new buildings, or modifications to existing ones, should be to a height within 10 percent of the average height of existing buildings.
- b) Proportion of buildings' front facades. Consideration shall be given to the relationship between the width-height of the front elevation of the building.
- c) Proportion of openings within the facility. Consideration shall be given to the relationship of width to height of windows and doors.
- d) Rhythm of solids to voids in front facades. Consideration shall be given to an ordered recurrent alternation of strong-weak architectural elements so as to ensure appropriate rhythm of mass to openings.
- e) Rhythm of spacing of buildings on streets. Consideration shall be given to a rhythm of recurrent building masses to spaces between buildings or structures.
- f) Rhythm of entrance and/or porch projections. Consideration shall be given to entrances to sidewalks so as to provide a rhythm of entrances or porch or other projections at an intimate scale.
- g) Relationship of materials. Consideration shall be given to the predominant material utilized, such as brick and wood siding and their relationship to other structures adjacent.
- h) Relationship of textures. Consideration shall be given to the predominant texture, which is horizontal wood siding.
- i) Relationship of color. Consideration shall be given to the predominant color, white, and of the color of a natural material or a patina colored by time, insofar as the mass and details, such as trim, are concerned.

- j) Relationship of architectural details. Consideration shall be given to architectural details and their relationship to the structure in question and adjacent ones. Including but not limited to cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
- k) Relationship of roof shapes. Consideration shall be given so that buildings shall have compatible roof shapes, such as gables, hip, gambrel, or other kinds of roof shapes.
- l) Walls of continuity. Consideration shall be given to physical ingredients, such as picket fences, wrought iron fences, evergreen landscape masses, building facades, or combinations of these so that continuous cohesive walls of enclosure are provided along the street.
- m) Relationship of landscaping. Consideration shall be given to the predominance of quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
- n) Ground cover. Consideration shall be given so that there will be predominance in the use of brick pavers, gravel, and washed concrete.
- o) Scale. Consideration shall be given to scale so that the size of units of construction and architectural detail relate to the size of man. In rendering this consideration, consideration shall also be given to building mass and how it relates to open space. The predominant element of scale may be brick or wood units, windows or door openings, porches, and balconies, etc.
- p) Directional expression of front elevation. Consideration shall be given to structural shape, placing of openings and architectural detail that may provide a predominantly vertical, horizontal or non-directional character to the buildings' front facades.

Specific criteria for "New Construction" are discussed in a later chapter.

4. Demolition

For a structure or building to be considered for demolition, an application for a Certificate of Appropriateness must be approved by the HZC. To evaluate a demolition request the HZC will consider the contribution of the building to its immediate surroundings and to the fabric or character of the district as a whole, the historical and architectural importance of the building, and the building's structural condition.

Demolition by Neglect Provision

If, in the course of reviewing applications for approval, the HZC becomes aware of conditions which appear to violate Town Code provisions regarding unsafe or dangerous buildings, public nuisances, buildings unfit for human habitation, minimum facilities, or similar conditions, the information shall be referred to the Chief Building Official.



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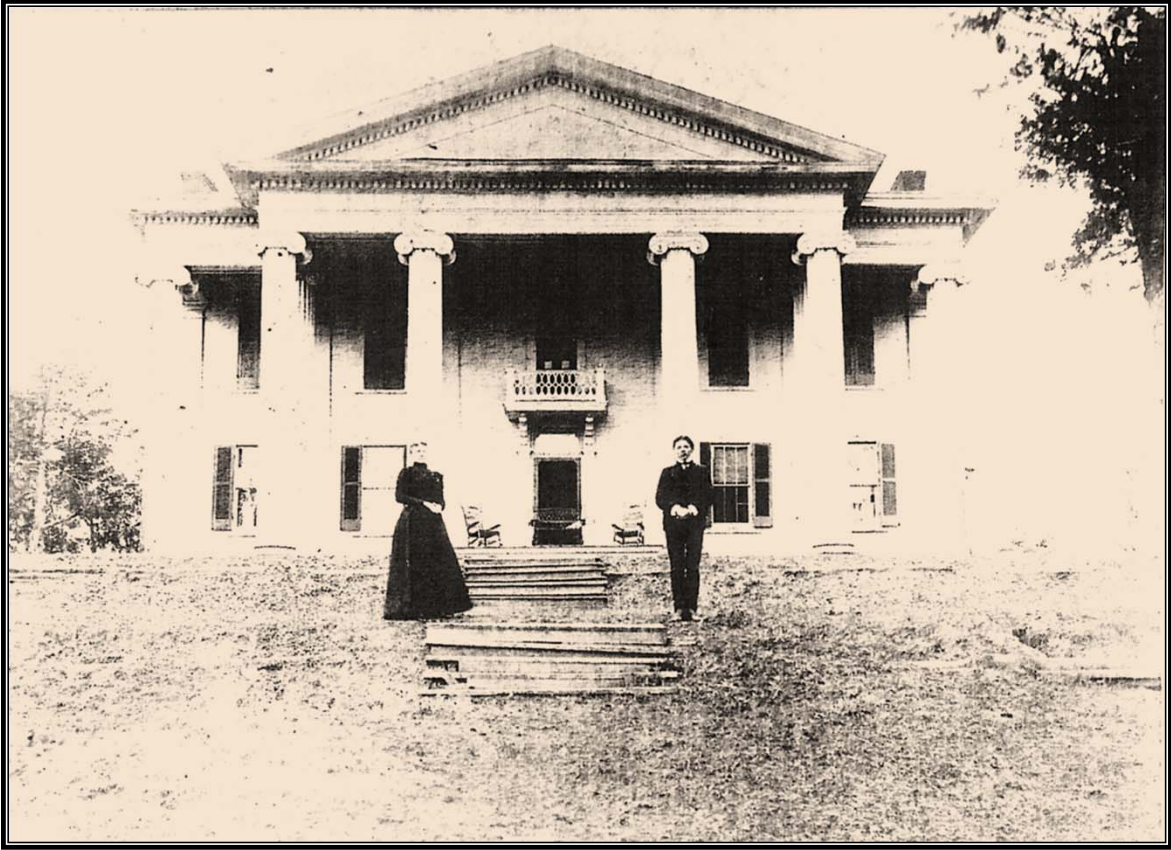
WHAT ARE THE DESIGN GUIDELINES?

The La Grange Historic Zoning Commission (HZC) is the architectural review board, which reviews applications for proposed work on properties located within the historic districts. The HZC is comprised of seven members, who are appointed by the mayor. The HZC has a representative of a local patriotic or historic organization, an architect (if available), a member of the local planning commission and the remaining members are from the community at large. Design review is administered according to a set of design guidelines. The guidelines are criteria and standards, developed jointly by the HZC and the citizens of La Grange, which are used in determining the appropriateness and architectural compatibility of proposed projects. The guidelines provide direction for project applicants, as well as members of the HZC, to ensure decisions that are made upon applications are not arbitrary or based upon personal preferences.

The design guidelines protect the neighborhood from alterations to historic structures that would lessen the architectural significance, new construction or additions that are not in character with the neighborhood and for the loss of architecturally or historically significant buildings. The LaGrange Design Guidelines are based upon and in accordance with the *Secretary of the Interior's Standards for Historic Rehabilitation*, which have been developed by the National Park Service and are used by both private and public preservation organizations throughout the United States. Tennessee cities, towns and counties are given the right to establish historic zoning and issue certificates of appropriateness by state law, TN Code Annotated 13-7-4-1 – 13-7-410.

All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure, or other improvement to real estate situated within a historic zone or district shall be referred to the historic zoning commission...No construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure, or other improvement to real property situated within a historic district or zone, for which the historic zoning commission...has been granted authority to review and to grant or deny a certificate of appropriateness, shall be performed without the issuance of a certificate of appropriateness.

TN Code Annotated 13-7-407



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SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples or craftsmanship that characterizes a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. No additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STANDARD 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

GUIDELINES: See "Building Site and Environment" guidelines under Standard No. 2.

STANDARD 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The HZC discourages the alteration and/or expansion of a building in such a manner that the essential character defining features of the existing building are disguised or concealed.

GUIDELINES**EXTERIORS****Wood**

In La Grange wood is the most commonly used material for architectural features such as clapboards, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features are important in defining the historic character of the building and their retention, protection and repair are of particular importance in rehabilitation projects.

- The HZC recommends for building exterior:
 1. Lapped siding
 2. Wood, vertical board-and-batten siding with 1"x 2" or 1"x 3" battens
 3. Wood, horizontal novelty or drop siding
 4. Fiber-cement siding is allowed in new construction only if dimensions of exposed surface match the historic wood materials. This substitution does not apply to buildings that are contributing structures to the historic district.
 5. Square logs.
 6. Wooden shingles
- A combination of exterior siding materials is not recommended unless historical evidence indicates otherwise or additions were clad differently from the original structure.
- The HZC does not recommend introducing a new wood feature that is incompatible in size, scale, material and color.
- Neither pressed wood nor vinyl nor metal that imitates wood shall be allowed.

Masonry

Brick is the predominant masonry material. Though it should be noted that masonry is among the most durable of historic building materials, it is also the most susceptible to damage by improper maintenance or repair techniques and by harsh and abrasive cleaning methods.

- A. Brick structures must be constructed out of red brick with a finished texture approved by the commission. Brick may be painted.
 - B. Stucco structures must have a smooth finish. Patterns such as smooth stone or ashlar may be constructed in stucco.
- Neither sandblasting nor pressure washing with water shall be permitted.
 - The HZC recommends identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns.

- The HZC recommends repairing masonry features using recognized preservation methods and replacing in kind an entire masonry feature that is too deteriorated to repair, using physical evidence to guide the work.
- In the event that replacement of architectural features is necessary, the new feature should match the composition, design material color, texture, material and all other visual qualities of the original feature. Replacement features should be substantiated by historical, physical or pictorial evidence, rather than on conjectural design or the availability of salvage or new architectural elements.

Roofing

- Original roof pitch and shape shall be retained.
- The size and shape of original dormers shall be retained. Dormers generally should not be introduced where none existed originally.
- Original roof materials and color should be retained.
 - *Asphalt/fiberglass shingles may be substituted for original roofing when it is not economically feasible to repair or replace with original materials. The color and texture of asphalt/fiberglass shingles should not contrast with the architectural style and period of the house. Original roofing materials include wood, metal, and, on twentieth century buildings, asphalt shingles.*
 - *Roofing materials for residential structures shall be composition (asphalt or imitation slate), wood shingle, standing seam metal, metal shingles, or slate.*
 - *Roofing materials for commercial structures shall include the above list as well as corrugated metal.*
 - *The primary roof pitch should be a minimum (6/12) six over twelve and a maximum (12/12) twelve over twelve.*
- Skylights shall be located on portions of roofs not visible from public right-of-ways.

RELOCATING BUILDINGS

The National Register discourages the moving of historic structures because the significance of properties is embodied in their sites and settings as well as in the structures themselves. Any National Register building that is removed from its original foundation is removed from the National Register. After reconsideration, it may be placed back on the National Register if specific criteria are followed, but the National Register designation is not guaranteed.

- Improperly locating a building on its new site so that its orientation and front and side set-backs are incompatible with surrounding buildings is prohibited.
- Placing the building on a new foundation whose design and materials are incompatible with the original is prohibited.

Building Site and Environment

Features such as gardens, walkways, streets, alleys, plants, trees, fencing and building setbacks which have traditionally linked buildings to their environment and which reflect the property's development should be retained.

Sidewalks and Driveways

- For private walkways in residential areas, brick is preferred. Also allowed is pea gravel, crushed limestone, washed concrete, and flagging.
- Public sidewalks shall be compatible with original patterns and widths. Any other work undertaken in public spaces by any individual, group or agency shall be presented to the HZC for review of compatibility with the character of the district.
- Driveway materials used will be crushed limestone, pea gravel or chert. No asphalt, no concrete and no washed pea gravel.
- Concrete parking aprons are allowed behind the building line of the primary structure.

Landscaping

- Tree removal or major pruning is discouraged.
- Widening of existing streets, changing the paving materials, and introducing new streets and new

- parking lots should be done in a manner that is compatible with the character of the neighborhood and maintain the relationship of the buildings in the environment.
- Decisions for new site work around a historic building should be based on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, archeological surveys or government record. Any changes should be carefully evaluated regarding the past appearance of the property.

See GUIDELINES for Fences and Walls under **STANDARD No. 9**

STANDARD 3

Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

GUIDELINES

See Building Site and Environment Guidelines under **STANDARD 2.**

- Original architectural details shall be retained.
- Where replacement is necessary, new architectural details shall match the design, dimension, materials and all other visual characteristics of the originals, based on physical or historical documentation.
- Architectural details of a period or style not original to the building shall not be introduced.

STANDARD 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

GUIDELINES

See Guidelines under **STANDARDS No. 5. and 6.**

STANDARD 5

Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

GUIDELINES

Entrances, Porches and Doors



- Identify, retain, and preserve entrances and their functional and decorative elements that are important in defining the overall historic character of the building, such as doors and door openings, fanlights,

sidelights, pediments, hardware, pilasters, columns, balustrades, and stairs.

- Doors shall be related to the historical style of the structure. Doors should be four or six paneled wood doors for most 19th century residential buildings. Two panel wood doors are appropriate for buildings with Greek revival detailing. Many late 19th and early 20th century buildings featured horizontal panel doors. French doors or doors with a single large light over one or two horizontal panels may be considered. Paired entry doors are appropriate for some larger dwellings or commercial structures.
- French doors are appropriate for side and rear entrances and are not acceptable as front entryways to residential structures.
- Full-view, painted storm doors are appropriate. Wooden screen doors should be appropriate to the style of the house.
- Full-view, painted security front doors are appropriate. Other similar publicly visible doors may be appropriate. Ornately designed security doors are appropriate for secondary facades.
- HZC does not recommend the addition of sidelights and entryway surrounds if they were not original to the entrance.
- Repair entrances and porches by replicating details and historic materials on contributing buildings.
- Repair includes limited replacement in kind or with compatible substitute materials.
- Replace in kind an entire entrance or porch that is too deteriorated to repair. If the form and detailing are still evident, use the physical evidence to guide the new work. If using the same kind of materials is not technically or economically feasible, then a compatible substitute material may be considered.
- In constructing a new entrance or porch, the design must be compatible in size, scale, material, and color with the historic character of the building.
- The HZC will not approve the removal or permanent enclosure of a historic entrance or front porch with non-operable closures. The existing exterior wall must still read as the exterior wall after any operable closures are installed.
- The removal of major and defining elements of a contributing historic building alters the structure's status as a contributing structure in the Historic District and undermines the National Register Historic District.

Columns, Posts and Pillars



- Retain and preserve the existing historic posts or columns that contribute to defining the historic character of the building.
- Replace columns, where necessary, with columns compatible in size, scale, and material.

- It is inappropriate to remove existing columns that have historically defined a building and to replace them with posts or pillars that are uncharacteristic of a building style.

For example, simple 4" x 4" wood *square* posts, not rounded, decorative columns, are generally appropriate for a shotgun style house.

Exterior Stairs

- Retain, preserve, and replace when necessary an exterior staircase with materials compatible with the individual structure and the historic district. The HZC will not approve replacing a historic wood staircase with concrete stairs.
- The balusters, newel posts, and rails of an exterior staircase should be constructed in like material, and proportional to the main structure.
- The HZC recommends upgrading historic stairways to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged.

Lighting

- Original light fixtures should be retained. New or replacement light fixtures should be appropriate to the style of the building and be in proper scale to the façade. Recessed or ceiling mounted lamps not visible from the street can be a good way to achieve desired lighting without introducing obvious light fixtures
- Ceiling fans should be appropriate to the style and period of the building.

STANDARD 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

GUIDELINES

Roofs

- The roof with its shape, features such as dormers and chimneys, and the size, color, and patterns of the roofing material are extremely important in defining the building's overall historic character.
- The HZC recommends retaining and preserving the roof's shape, historic roofing material and features such as chimneys, scuttles, or roof porches.
- The HZC does not recommend changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.
- Shingle types and styles should be submitted for approval if there is a change from existing material.

Gutters

- Gutter style is reflective of the historic period of the structure in terms of appearance and technology. The half-rounded style of gutter is appropriate to structures erected **prior** to 1900. Either the half-round or "ogee" style may be installed on structures in the Town of La Grange.
- Downspouts will be reviewed for style and visual impact.

Dormers



- Dormers are gable projections of an attic room that allow for a vertical window opening.
- The HZC recommends that a dormer addition be in scale and harmony with the existing building, be placed on a less visible location, have a pitched roof and either a double hung window with shutters or casement windows. Dormers usually have gabled roofs but a shed roof may be appropriate on certain style of buildings (ex. bungalow). Juncture of a dormer roof with the main roof is to be below the ridgeline of the main roof. Oversized dormers are discouraged.

Windows



- Identify, retain, and preserve windows and their functional features that contribute to defining the architectural and historic character of the building. Such features can include frames, sash, muntins, glazing and sills, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds.
- Replacement, when unavoidable, must be wood for a historic structure. Aluminum windows are discouraged. Deviations from traditional materials may be allowed on a case-by-case basis if historically accurate in detail.
- The HZC does not recommend changing the number, locations, size, or glazing pattern of windows by cutting new openings, blocking in windows, and installing replacement sash which does not fit the historic window opening.
- In La Grange, the most widely used window configuration is 6/6 double hung sash. However, 2/2 double-hung sash windows are also found in traditional La Grange houses. For 20th century buildings, 1/1 sash may be appropriate. Replacement windows may be an accurate restoration using historical, pictorial, or physical documentation; or a new design that is compatible with the window openings and the historic character of the building.
- The HZC recommends repairing window frames and sash by patching, splicing, consolidating, or otherwise reinforcing. Such repair also includes replacement in kind of those parts that are either extensively deteriorated or are missing where there are surviving prototypes.

- Awning or glass jalousie windows are not permissible in any wall of a historic structure that is visible from a public street, sidewalk or other public right-of-way.
- Plate glass windows are addressed in the Storefront section.

Because rehabilitation projects frequently include proposals to replace window sash or entire windows to improve thermal efficiency or to create a new appearance, it is essential that their contribution to the overall historic character of the overall building be assessed, together with their physical condition, before specific repair or replacement work is undertaken.

Shutters



- Wooden shutters are significant features that define the overall historic character of many La Grange buildings. Retain, repair, and preserve existing shutters and their functional and decorative elements.
- If the overall form and detailing are still evident, replace in kind a set of shutters that is too deteriorated to repair, using the physical evidence to guide the work.

Stained Glass

- A few of the more elaborate buildings erected in the late 19th and early 20th centuries exhibit small transom windows with etched cranberry or ruby glass over the main entry. Few pre-20th century structures in La Grange contain significant examples of stained glass.

Balustrades



- Retain and preserve wooden balustrades, which are significant in defining the historic character of frame structures.
- Replace, when necessary, with materials compatible with the structure. The HZC discourages the use of new designs in balusters.

- When replacing original balusters of a contributing historic structure, the new balusters should match the original balusters in size and height above the porch floor.

Awnings



Historically, the canvas awning was an important design element in the traditional storefront, providing cover and added color. Awnings served as a transition between the storefront and the upper facade.

- Awnings are discouraged on residences except where inconspicuous or not visible from the public street.
- Awnings shall be of a size, scale and shape appropriate to the specific building.
- Aluminum awnings or canopies detract from the historic character and shall not be erected.

Storefronts

Storefronts are often the focus of historical commercial buildings and can thus be very important in defining the overall historic character.

Because storefronts play a critical role in a store's advertising strategy to draw customers, they are often altered to meet the needs of a new business. Care is required when working on storefronts so that the building's historic character is preserved in the process of rehabilitation.

- Retain and preserve storefronts and their functional and decorative elements that are important in defining the historic character of the building, such as display windows, doors, transoms, corner posts, entablatures, cornices, signs, and bulkheads.
- The HZC does not recommend removing or radically changing storefronts and their features, which are important in defining the overall historic character of the structure, so that as a result, the character is diminished.
- The HZC does not recommend removing historical material from the storefront to create a recessed arcade or to create a false historical appearance.
- Buildings converted from residential to commercial use shall retain the historical features of the building.
- The HZC recommends using appropriately scaled signs and logos that do not obscure, damage, or destroy a building's historic features.
- The use of chaser lights is prohibited.

Exterior Paint (for all exterior materials and surfaces)

- The HZC recommends identifying, retaining, and preserving the paint colors and finishes that define the historic character of a building.

- The HZC recommends specified colors for standard approval and may approve others on a case-by-case basis.
- Murals: Murals are prohibited in the Historic District.

For STANDARD approval the following colors are specified:

- Exterior siding: White.
- House Trim: White.
- Porches: White.
- Porch ceilings: Light blue or white.
- Sash, windows and doorframes: White.
- Porch decking and steps: Gray or green.
- Railings and balusters: White.
- Shutters: Dark green.
- Wood fences and gates: White is most preferred; however, green, natural or natural stain may be used.
- Lattice: White.
- Doors: White, dark green or natural.
- Roofs (metal): Silver, red or green.
- Roofs (asphalt): Light gray, green, black, or weathered wood.

STANDARD 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

GUIDELINES

Wood

- The HZC recommends the use of chemical strippers primarily to supplement other methods such as hand scraping, hand sanding and thermal devices. Detachable wooden elements such as shutters, doors, and columns may, with the proper safeguards, be chemically dip-stripped.
- The HZC will not permit exterior sandblasting or water blasting as these methods can irreversibly damage the historic woodwork.

Masonry

- The HZC recommends duplicating old mortar in strength, composition, color and texture and duplicating old mortar joints in width and in joint profile.
- The HZC recommends cleaning masonry only when necessary to halt deterioration or remove heavy soiling. Surfaces should be cleaned with the gentlest method possible, such as low-pressure water and detergents, using natural bristle brushes.
- The HZC recommends inspecting painted masonry surfaces to determine whether repainting is necessary, and removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible, prior to repainting.
- The HZC recommends repairing masonry walls and features by repointing the mortar joints where there is evidence of deterioration. Mortar that is deteriorated should be removed by carefully hand raking the joints.

STANDARD 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

GUIDELINES

Inspection of Excavations and Cisterns

Disclosure of the discovery of artifacts is to be promptly reported to the HZC. Excavation of utility trenches, cisterns and foundations require notification whenever artifacts become visible.

STANDARD 9

New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

GUIDELINES

Skylights

- The HZC will approve flat roof windows, preferably located on the side least visible from a public street.
- The HZC will not approve modern, plastic dome scuttles.

Decks and Patios

- Wood decking or brick patios are appropriate at the side and rear yards. Important considerations are the proportion of decking to the lot, and the space allotted for planting.
- Wood decks are inappropriate in the front of a house.

See “Building Site and Environment” section under Standard No. 2. for additional information.

Swimming Pools

- The HZC recommends that swimming pools or hot tubs be located to the rear of a building and not be visible from the front sidewalk.
- In some cases, the HZC will approve the location of a pool at the side of a house, providing it is set to the rear half of the house and appropriately fenced.
- In no instance shall the HZC approve the location of a pool in the front of a pre-1915 structure.

Ramps

- Ramps, where required, should be concealed with landscaping as much as possible, and should harmonize with the scale and architectural features of the building.

Air Conditioning Units

- The HZC recommends installing air conditioning units in such a manner that the historic materials and features of a building are not damaged or obscured.
- The HZC does not recommend the installation of through-the-wall air conditioning units or window units in the facade (front) of a historic building.

- The HZC recommends that A/C units be placed in new openings that align with the existing historic window frame. HZC also suggests that molding be added as a trim element.
- Air conditioning units should be concealed by landscaping and placed in the rear or side of a lot so as not to be seen from the street.

Vending Machines (except newspaper vending)

- Vending machines may not be located where visible from the public way. ATMs are prohibited in buildings other than financial institutions.

Fences and Walls

- Fences and walls are important elements of the design and character of a structure and district. The scale and character of a fence and its posts and gates must be compatible with the house and neighboring structures. Fencing shall be constructed so the finished face is toward the street or neighboring property.
- The HZC must approve changes to existing elements or designs for new ones.
- Decorative wood fences (solid with patterns cut out of the top portion) are not historic and detract from the original balustrade patterns. Such fences will not be approved.

General Fences



Types of fences allowed in La Grange – Wrought or Cast Metal, Picket (wood) Fence, Horizontal Wood Fences, Decorative Woven Wire Fence, Net Wire (hog) Fence, Barbed Wire Fence and Chain Link Fence.

1. In the Commercial Core the appropriate fencing material or type shall be wrought or cast metal, picket or horizontal board.
2. In the gridded core area the appropriate fencing shall be wrought or cast metal, picket or decorative woven wire fence.
3. In the other areas all the above listed fence types are appropriate with the exception of areas in front of primary facades in which case only the wrought or cast metal, picket, horizontal board and decorative woven wire fence shall be used.
4. No solid or basket weave brick fences shall be allowed in the La Grange Historic District. Brick gateposts should be allowed around drives and sidewalks.
5. Vinyl fencing is not allowed in the historic district of La Grange.

Privacy Fences



1. Privacy Fences or board fences shall be used for enclosing or protecting elements in a rear or backyard, i.e. pool, deck, patio. The primary façade shall be protected and preserved. The secondary façade shall be similarly protected, however; the privacy fence can conceal between one fourth (1/4) to one half (1/2) of the secondary facades.
2. Board Fence pickets; either spaced or abutting, shall be no more than six (6) feet in height and shall be painted either white, green, natural or natural stain depending on location and situation.

Handrails

1. There shall be no wrought iron handrails in the La Grange Historic District.
2. Residents that may require a handrail may install a handrail of like material to the structure as long as it does not destroy the historic fabric of the structure.
3. On Public Buildings, if necessary, handrails shall be constructed of wood or metal depending on what is appropriate to the structure.

Antennas and Satellite Dishes

It is recognized that the HZC may not impose unreasonable restrictions upon or excessive costs upon antenna or satellite dish users or prevent reception of signals, and further that the HZC regulations must be crafted to reasonably accommodate amateur communications and to adopt the minimum practical regulation to accomplish the HZC's purpose. However, at the same time, the HZC has a permissible and reasonable aesthetic objective in regulating placement of satellite dishes and antennas within the Historic District. Therefore the following Guidelines shall apply:

- Residential and commercial building antennas and satellite dishes should, if possible, be mounted in the rear of a lot or behind landscaping or existing or approved fencing. It is preferable that antennas and satellite dishes not be visible from a street, sidewalk, or public right-of-way. If these preferable alternatives cannot be met because of excessive cost or inability to receive /excessive interference with signal, which must be documented by the applicant, HZC will determine and allow the least obtrusive placement.

Gazebos

- The design of gazebos or open out-buildings should be complementary in terms of scale, proportion, color finish and details to the main building.
- Siting on the lot is an important consideration.

Gatehouses

- The addition of "gatehouses" in conjunction with enclosing walls or fences is not historically appropriate to the historic districts of La Grange and is, therefore, discouraged in those areas.

Metal Carports

- The construction of metal carports is not allowed in the historic district of La Grange.

SIGNS

Facade Signs (Flat Signs)



- No more than 10% of the total square footage of a building's facade shall be devoted to signage.
- A flush mounted signboard may extend the width of the storefront but should not be more than 2 1/2 feet high. The sign should be mounted above the display windows and below the second floor windowsills or cornice.
- Generally, lettering should not exceed 12 inches in height and occupy no more than 65 % of the signboard.

Guidelines for Signs in the Historic District



- All signage requiring a permit in the Historic District shall be reviewed by the HZC which shall consider the proposed signage design, color, finish, letter style, material, lighting, location and appropriateness as an addition to the Historic District.

Sign Review Requirements

1. A scale drawing of the proposed sign(s) indicating dimensions, colors, letter style, support structure and lighting plan.
2. A scale drawing of the structure the sign will be attached to or adjacent to, indicating the location of the sign.
3. A scale drawing of the site plan to indicate signage locations if other than on the facade.
4. Photographs of the site and adjacent properties to indicate proposed locations of signage.

PROHIBITED SIGNS

The following signs are prohibited in the Historic District:

1. Temporary signs erected/located on any public street or right of way, curb, hydrant, utility pole, tree, or public fence.
2. Roof mounted signs
3. Interior illuminated signs
4. Animated signs with moving elements
5. Bus stop bench signs
6. Permanent fringed or pennant string banners
7. Neon tubing
8. Plastic signs
9. Chaser lights

GENERAL PROVISIONS

- All proposed signage should harmonize with its surroundings with respect to color, finish, materials, proportions and style.
- Creatively designed wooden painted signs are encouraged.
- A storefront should not have more than three signs, a primary and two secondary signs, unless located on a corner, in which case three signs are allowed for each street frontage.
- Signage requirements for large public or quasi-public facilities or properties that cannot be met within the Guidelines will be addressed as a special exception.

FLAGS

- All proposed flags should harmonize with their surroundings with respect to size and mountings. A storefront should not have more than three flags unless located on a corner in which case three flags are allowed for each street frontage.
- Flagpoles should be limited to height restrictions in the historic district.

NEW CONSTRUCTION in the HISTORIC DISTRICT

In order to preserve the integrity of the Historic District, a number of design criteria have been developed by which individual structures may be compared and evaluated. The intent in developing these criteria has been to identify specific design elements, which if used as a guide for design will assure the maintenance and preservation of the architectural character of the District.

With the identification of these criteria, they will become the working tools for the developer, architect and builder. Ideally, they should be studied and evaluated before design development work begins so that the desired relationships can be established as design objectives, properly relating individual buildings to the total environment.

These Design Guidelines are not intended to exclude good contemporary design, as new complementary

design is encouraged. Traditional design elements are encouraged, yet the distinction between historic and contemporary should be evident.

All new construction must be compatible with the existing Historic District (refer to the criteria for new construction). Building designs that do not incorporate a level of detail in such a manner that assures compatibility with surrounding historic structures are not appropriate. Buildings that follow an inappropriate style, such as Art Deco and Modern, and have no relationship to the Historic District will not be approved.

NEW ADDITIONS TO HISTORIC BUILDINGS

The guidelines for new construction shall also apply to additions. An attached exterior addition to a historic building expands its "outer limits" to create a new profile. Because such an expansion has the capability to radically change the historic appearance, an exterior addition should be considered only after it has been determined that the new use cannot be successfully met by altering non-character defining interior spaces. If the new use cannot be met in this way, then an attached exterior addition may be an acceptable alternative.

The HZC recommends constructing a new addition so that there is the least possible loss of historic materials and so that character defining features are not obscured, damaged or destroyed.

The HZC recommends locating the attached exterior addition at the rear or on an inconspicuous side of a historic building, and limiting size and scale in relationship to the historic building.

STANDARD 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

GUIDELINES See Guidelines under
STANDARD No. 9

Criteria for New Construction

• Proportion, Scale and Mass

Pedestrian scale, relationship of building mass to adjacent structures, relationship to existing architectural details, elements, and styles in the Historic District, and similarity of window and door proportions are all factors which work to blend new with old.

• Roof Forms

Roof forms that exist in the Historic District include gable, hip, flat with parapet and true mansard (French Second Empire). The roof form is important and character defining to the total architecture of a building. Roof pitch on new construction should not be less than 6 in 12 for gable or hip roofs and 3 in 12 for shed roofs. Flat roofs are discouraged.

• Building Detail

All new buildings shall incorporate a level of detail in such a manner that assures compatibility with the surrounding historic context.

• Relationship of Materials, Textures and Color

The predominant exterior finish in the Historic District is wood; weatherboard or clapboard, drop siding or board and batten. A secondary exterior finish that exists is masonry or painted stucco. The use of stucco or CBS (concrete block and stucco) construction is generally discouraged on residential buildings. Roofs are primarily sheet metal or asphalt shingles. New Construction can establish a relationship with existing historic structures by utilizing similar finishes.

- **Compatibility**

All New Construction must be compatible with the historic character of the District or neighborhood in terms of size, scale, design, materials, color and texture. Additions to contributing buildings are to align horizontally with the original building.

- **Height**

There must be a sympathetic relationship of height between new buildings and existing adjacent structures of the neighborhood.

The height shall not exceed thirty-five feet as out lined in Sections 3 and 4 of the Planning and Zoning Ordinance.

General Criteria

In tightly spaced blocks that predominate in the Historic District, the observer will see a wide variety of styles and facades; yet all seem well related. This is what constitutes the character of the Historic District. These relationships are to be found with the building heights, façade proportions, window and door similarities, roof forms and landscaping.

- **Siting**

No existing building shall be relocated and no new structure shall be placed closer to the sidewalk, street or visible alley, than that distance which has been predetermined by existing historic structures. Areas that have traditionally been reserved for parks or open spaces should remain. Criteria for building setback will be established either by studying original zoning permits and plat maps or by establishing a uniform setback or as provided in the Zoning Code.

- **Scale**

No existing historic structure shall be enlarged and no new structure shall be built so that its proportions, particularly height, are out of scale with its surroundings. On any given block or area where a variety of sizes and styles exist, no structure, either new or enlarged, shall outsize the majority of the structures in that area. If it is mandatory for any of a number of reasons that a private dwelling be enlarged, these alterations shall be made in such a manner as not to alter the scale of the streetscape. The height of all new construction shall be based upon the height of existing structures within the vicinity and generally shall not exceed a maximum height of thirty-five feet as outlined in the Planning and Zoning Ordinance, Sections three and four.



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SAVANNAH CRITERIA

The La Grange Historic Zoning Commission will utilize the criteria commonly known as the *Savannah Criteria* in reaching decisions on the appropriateness of proposals presented for review. These criteria permit the use of modern fabrics. It does not encourage imitation or fake facades. It simply encourages the designers of new buildings or alterations to existing structures to consider the relationship of the proposed to that of the total character of the district. Essentially there are sixteen points to the *Savannah Criteria*. They are as follows:

1. New Buildings and Alteration to Existing Buildings
 - a. **Height.** As a general rule new buildings or modifications to existing ones should be to a height within 10 percent of the average height of existing adjacent buildings.
 - b. **Proportion of buildings' front facades.** Consideration shall be given to the relationship between the width and height of the front elevation of the building.
 - c. **Proportion of openings within the facility.** Consideration shall be given to the relationship between width and height of windows and doors.
 - d. **Rhythm of solids to voids in front facades.** Consideration shall be given to an ordered recurrent alternation of strong-weak architectural elements so as to ensure appropriate rhythm of mass to openings.
 - e. **Rhythm of spacing of buildings on streets.** Consideration shall be given to a rhythm of recurrent building masses to spaces between buildings or structures.
 - f. **Rhythm of entrance and/or porch projections.** Consideration shall be given to entrances to sidewalks so as to provide a rhythm of entrances of porch or other projections at an intimate scale.
 - g. **Relationship of materials.** Consideration shall be given to the predominant material utilized, such as brick and wood siding and their relationship to other structures adjacent.
 - h. **Relationship of textures.** Consideration shall be given to the predominant texture, which is horizontal wood siding.
 - i. **Relationship of color.** Consideration shall be given to the predominant color, white, and of the color of a natural material or a patina colored by time, insofar as the mass and details such as trim are concerned.
 - j. **Relationship of architectural details.** Consideration shall be given to architectural details and their relationship to the structure in question and adjacent ones, including but not limited to cornices, lintels arches, quoins, balustrades and iron work, chimneys, etc.
 - k. **Relationship of roof shapes.** Consideration shall be given so that all buildings shall have compatible roof shapes such as gables, hip, gambrel or other kinds of roof shapes.
 - l. **Walls of continuity.** Consideration shall be given to physical ingredients such as picket fences, wrought iron fences, evergreen landscape asses, building facades, or combinations of these so that continuous cohesive walls of enclosure are provided along the street.
 - m. **Relationship of landscaping.** Consideration shall be given to the predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
 - n. **Ground cover.** Consideration shall be given to ensure predominance in the use of brick pavers, gravel and washed concrete.
 - o. **Scale.** Consideration shall be given to scale so that the size of construction and architectural detail relate to the size of man. In rendering this consideration, consideration shall also be given to building mass and how it relates to open space.
 - p. **Directional expression of front elevation.** Consideration shall be given to structural shape, placing of openings and architectural detail that may provide a predominantly vertical, horizontal or non-directional character to the building's front façade.

2. Demolition of Existing Structures. La Grange characteristically has a sense of openness, which contributes so greatly to the general serenity and beauty of the town. There should always be open spaces; there should never be a sense of total closure. It is, therefore, advised that no buildings should be permitted to be demolished without at the same time a plan being made for replacement that would fill the gap caused by the demolition. Judgment should be used over any new construction that the rhythmic openness is maintained, but La Grange should never become regimented or take on the appearance of a subdivision. All structures proposed to replace demolished buildings should be closely reviewed in terms of the 16-point *Savannah Criteria* before approval is granted.
3. New and Replacement Signs. As for signs, there are at least six issues or decisions that should be resolved before approval is granted: size, type face, material, lighting, and placement.
 - a. **Size of sign.** No sign should be larger than any at present used. All signs should be in proportion to the structure to which it is attached. The number of signs in proportion to the whole street frontage should not be significantly changed.
 - b. **Typeface.** Typeface should be similar to those used in La Grange in the past.
 - c. **Material.** Since all indications are that the old signs in La Grange were either of metal or wood, these are the only materials that should be approved.



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ARCHITECTURAL GLOSSARY

ARCH: A structural member shaped in the arc of a curve.

ARCHITRAVE: The lower part of a classical entablature, which rests on a column.

BALUSTER: A post or upright supporting a handrail, often vase shaped, a series of which makes up a balustrade.

BARGEBOARD: The decorative board attached to the projecting portion of a gable.

BRACKET: A support element under eaves, shelves or other overhangs.

CHAMFER: The surface formed by cutting off a corner of a board or post; a bevel.

COLUMN: A vertical support generally consisting of a base, circular shaft and capital.

CORNICE: The horizontal molded projection at the top of a building or wall.

CRESTING: A light repeated ornament, incised or perforated, carried along the top of a wall or roof.

CUPOLA: A spherical roof or dome roofed structure built on top of a roof.

DORMER: A vertical window set in a sloping roof or a roofed structure containing such a window.

EAVES: The projecting overhang at the lower edge of a roof.

ENTABLATURE: A horizontal art in a classical post and beam system composed of the cornice, frieze and architrave.

FACADE: The front or principal face of a building.

FINIAL: An ornament at the top of a spire, gable or pinnacle.

FRIEZE: The part of the entablature between the architrave and cornice; any sculptured or ornamented band in a building.

GABLE: The triangular portion of a wall between the enclosing lines of a sloping roof.

HIP ROOF: A roof with four uniformly pitched sides.

LATTICE: A structure consisting of strips of metal, or wood, crossed or interlaced to form regularly spaced openings.

LINTEL: A beam of any material used to span an opening (also known as an architrave).

LOUVER: A series of inclined slats in a vertical frame allowing ventilation without admitting rain.

MOULDING: A continuous decorative band that is either carved into or applied to the surface.

MULLION: A vertical member that divides a window or separates one window or door from another.

MUNTIN: The wood or metal strips that divide a multi-pane window.

PARAPET: A low solid protective wall or railing along the edge of a roof or balcony.

PEDIMENT: A wide, low pitched gable - above a portico or door.

PORCH: A covered structure or recessed space at the entrance of a building.

PORTICO: A major porch, with a pedimented roof supported by columns.

RAFTER: Part of a wooden roof frame sloping down from the ridge to the eaves and establishing the pitch.

RIDGE: The highest point of the roof, running from end to end.

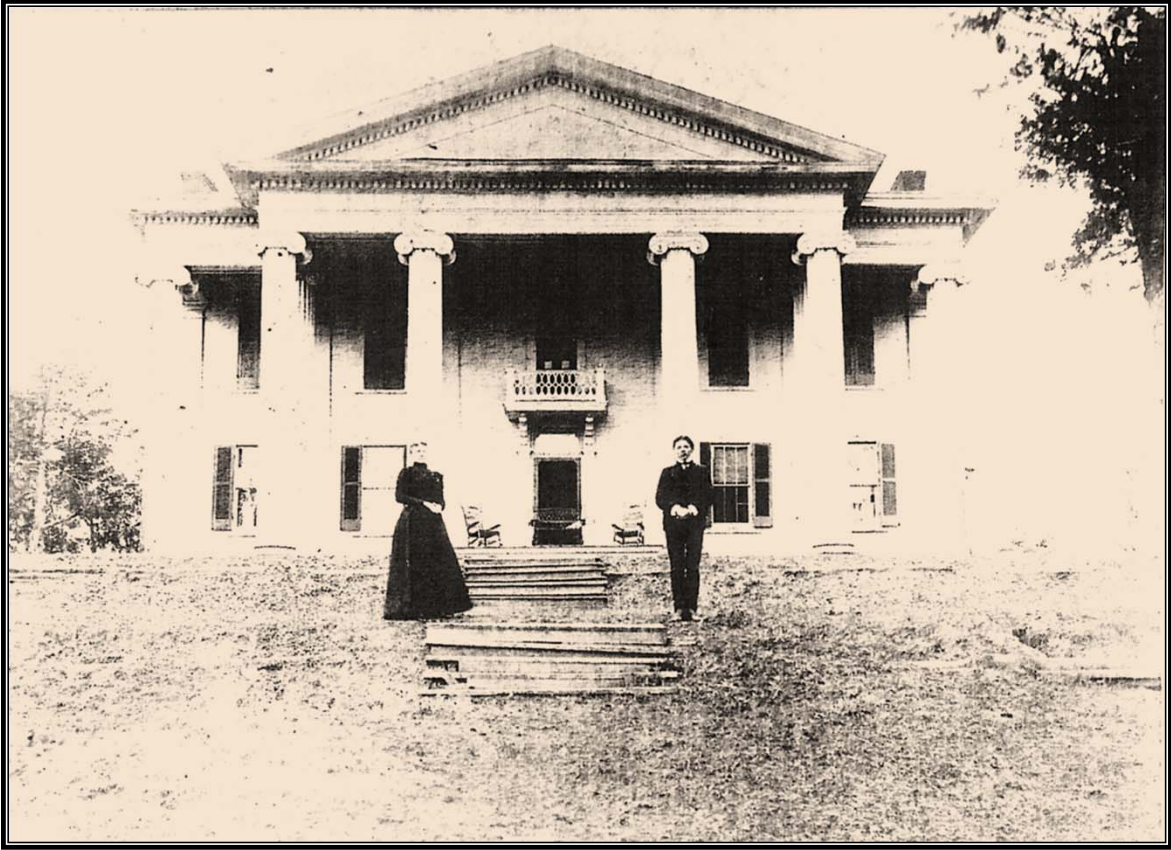
SASH: A frame or window in which glass is set.

SHUTTER TIEBACKS: Hardware used to secure open shutters.

STUCCO: A type of plasterwork, either coarse or fine, used for surfacing interior or exterior walls.

TRANSOM: A small window over a door or large window.

TURRET: A small slender tower usually set at the corner of a building, often containing a circular shaft.



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LA GRANGE BY-LAWS AND PROCEDURES

(ADOPTED: August 1992 -- AMENDED: December 1995; January 2004; June 2005)

I. PURPOSE

To establish procedures for processing applications for certificates of appropriateness for (1) any changes in external appearance of existing structures; (2) design of new structures; and (3) for demolition of existing structures within the La Grange Historic District.

II. GENERAL RULES

The La Grange Historic Zoning Commission shall be governed by the terms of the La Grange Historic Zoning Ordinance as contained in the Zoning Ordinances of the Town of La Grange, Tennessee.

III. JURISDICTION

The Town's jurisdiction for requiring certificates of appropriateness as required by the La Grange Historic Zoning Ordinance shall be delineated on the official zoning map on file at the La Grange Town Office.

IV. MEMBERS, OFFICERS AND DUTIES

- A. General: The Commission shall be composed of seven (7) members, including an architect, if available, a member of the Planning Commission at the time of his/her appointment, and a member of a local historical group. The members shall be appointed by the Mayor and approved by the Board of Aldermen. The majority of the members shall have demonstrated special interest, experience or education in history or architecture. All members shall reside within the planning jurisdiction of La Grange.
- B. Chairman: A chairman shall be elected by the voting members of the Historic Zoning Commission. His/her term shall be for an unlimited period of time. The Chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission.
- C. Vice-Chairman: A vice-chairman shall be elected by the Commission from among its members in the same manner as the chairman and shall be eligible for re-election. She/he shall serve as acting chairman in the absence of the chairman, and at such times she/he shall have the same powers and duties as the chairman.
- D. Secretary: A secretary shall be elected by the Commission from among its members in the same manner as the chairman and shall be eligible for re-election. The secretary, subject to the direction of the chairman of the Commission, shall keep all records and shall conduct all correspondence of the Commission. The secretary shall be responsible for minutes and taping of the Commission meetings for the permanent record.
- E. Committees: Committees may be created by the chairman with the approval of the Commission members. At least one Commission member must be appointed to a committee; however, members of the community may serve on a committee. The Commission may create a Design Review Committee to serve as a counsel to the public for the Commission to expedite questions in design review. Three (3) members of the Commission must be appointed to the Design Review Committee.

- F. Elections: Terms of officers shall begin in January. Members shall be notified of the election of officers at least thirty (30) days prior to the regular January meeting.
- G. Terms of Appointments: Members shall be appointed to serve terms of five (5) years. Vacancies shall be filled for the unexpired term only.
- H. Attendance at Meetings: Any member of the Commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his/her status as a member of the Commission and shall be replaced or reappointed by the Board. Absence due to sickness, death, or other emergencies of a like nature, shall be recognized as excused absences and shall not affect the member's status on the Commission except that, in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. When a member has exceeded the maximum number of unexcused absences the secretary shall notify the full Commission and the Board of Aldermen.
- I. Applications Involving Members: No Commission member shall take part in the hearing, consideration or determination of any case in which she/he is a part or has a financial interest.
1. No Commission member shall vote on any matter deciding an application or request to reconsider unless she/he shall have attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the Chairman to vote on such matter. The Chairman's approval shall be contingent on the assurance by the member that she/he has familiarized herself/himself with the application and the minutes of any meetings at which the application was discussed.
 2. No Commission member shall in any manner discuss any application with any parties prior to the Commission's deliberations on such application, except as specified elsewhere in the Commission's By-Laws and Procedures.
 3. Members of the Commission shall not express individual opinions on the proper judgment of any application with any person prior to the determination of that application except in accordance with these rules. Violation of this rule shall be cause for dismissal from the commission.
 4. Each member of the Commission shall thoroughly familiarize herself/himself with all statutes, laws, the ordinance, by-laws and procedures relating to Historic Zoning.
 5. Members of the Commission may be removed by the Board of Aldermen for just cause.

V. MEETINGS

- A. Regular meetings of the Commission shall be held in the Town Office on the 4th (fourth) Thursday evening of each month at the time stated on the public notice on the community bulletin board. Meetings may be held at some other convenient location in the Town if directed by the Chairman in advance of the meeting.
- B. A meeting can be cancelled by posting a notice on the bulletin board twenty-four (24) hours prior to the scheduled meeting.
- C. Special Meetings: Special meetings of the Commission may be called at any time by the Chairman. At least seventy-two (72) hours' notice of the time and place of special meetings shall be given, by the Secretary or by the Chairman, to each member of the Commission. This requirement may be waived by emergency request by action of a majority of the members; however, all notices must be posted on the bulletin board.

- D. Quorum: A quorum shall consist of five (5) members of the Commission. For issues requiring a vote, a simple majority, but not less than three (3) members of the Commission, shall suffice.
- E. Proxy: If a Commission member is unable to attend a Historic Zoning Commission meeting and has an excused absence, that same member shall be allowed to vote by a proxy vote as long as the following criteria have been met: The proxy must be specific as to the Certificate of Appropriateness and also specific as to the content of the Certificate of Appropriateness, i.e., materials, color, sizes, etc.
- F. Conduct of Meetings: All meetings shall be open to the public. The order of business at regular meetings shall be as follows:
- Call to order
 - Roll call
 - Reading and approval of the minutes of the previous meeting
 - Reports of committees
 - Unfinished/old business
 - New business
 - Motion to adjourn
- G. Review Criteria: In reviewing applications for certificates of appropriateness the Commission shall take into account the historic and architectural significance of the structure. The Commission shall also take into account the following elements to ensure the exterior form and appearance on the structure is consistent with the historic or visual character of the Historic District.
1. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
 2. The setback and placement on lot of the buildings in relation to the average setback and placement of the nearest adjacent and opposite buildings.
 3. Exterior construction materials, including textures and patterns, especially color.
 4. Architectural detailing, such as lintel, cornices, brick bond and foundations materials.
 5. Roof shapes, forms, and materials.
 6. Proportions, shapes, positioning and locations, patterns and sizes of any openings in the facade.
 7. General form and proportions of buildings and structures.
 8. Appurtenant fixtures and other features such as lighting.
 9. Structural condition and soundness.
 10. Architectural scale.

The Commission may designate more formal design criteria as it deems necessary, such as shall be found in the La Grange Historic District Guidelines.

H. Consideration of Applications: Any party shall appear in person or have a designated agent or attorney at the meeting. The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

1. The Chairman, or such person as shall direct, shall give a preliminary statement concerning the application.
2. The applicant shall present the argument in support of his/her application.
3. Persons opposed to granting the application shall present the arguments against the application.
4. Statements or arguments submitted by any official, commission or department of the Town of La Grange shall be presented as directed by the Chairman.
5. The Chairman, or such person as she/he shall direct, shall summarize the evidence which has been presented giving all parties an opportunity to make objections or correction.
6. The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it.

The Commission may, at its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be based on the La Grange Historic District Design Guidelines.

VI. APPLICATION PROCEDURES

- A. An application and eight (8) copies must be filed with any of the Commission, or turned in at the Town Office on or before the Friday prior to the Commission meeting. **NOTE: The Historic Zoning Commission does not need eight (8) complete sets of plans, only those showing the exterior of the structure.**

It is recommended that the applicant apply simultaneously for a building permit and an application for a Certificate of Appropriateness. It is the sole responsibility of the applicant to obtain a Certification of Appropriateness before applying for a building permit.

The applicant will be subject to fines for non-approved work.

- B. The agenda for the Commission meeting must be posted on the bulletin board three (3) days prior to the Commission meeting. The agenda must list all applications to be reviewed for the current Commission meeting. These serve as notification for property owners with adjoining properties.
- C. It shall be the policy of the Commission in regard to applications involving new structures or extensive alterations and/or additions to existing structures that a committee of the Commission shall be available to meet with representatives of the persons or organizations involved in the forthcoming application at some early stage in the design process in order to advise them informally concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place and other relevant factors. This committee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not for that reason be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given or reported as having been given by any member of the committee at such an informal meeting shall be in any way official or binding upon the La Grange Historic Zoning Commission at any time. Notice of the need for such a conference should be given future applicants by the Town at the earliest appropriate time.

- D. The Commission must issue or deny a Certificate of Appropriateness within thirty (30) days after the hearing of an application, except when the time limit has been extended by mutual agreement between the applicant and the Commission. Incomplete applications will not be considered for a Certificate of Appropriateness.
- E. The Secretary of the Commission shall notify the applicant of the disposition of the application by personal service or by certified mail and shall file a copy of the decision in the Town Office. If an application is denied such notice shall include the reasons for such actions as defined in the design guidelines.

VII. APPEALS PROCESS

The Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final judgment of the Commission may appeal to the General Sessions Court in Somerville for a review of the judgment as provided for in the Tennessee Code Annotated, Sections 27-9-102 and 27-9-103.

VIII. AMENDMENTS

These rules may, within the limits allow by law, be amended at any time by an affirmative vote of not less than five (5) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.



History of
La Grange
Tennessee

La Belle Village



The Town of La Grange was listed on the National Register of Historic Places in 1974. All of the homes listed in this brochure currently are private residences and are not open to the public on a regular basis. The residents take a great deal of pride and satisfaction in the upkeep of their properties, and we ask that the visitor respect and observe their privacy and property when visiting our town. Most of the homes listed on this self-guided tour are able to be viewed from the town streetsides and sidewalks located throughout most of the Historic District. For purposes of space considerations in developing this brochure, we have listed those homes which have been built from antebellum days through the early 1900s only.

1 The La Grange General Store c. 1832
25 Main Street (corner of Hwy 57)
Nora and Wallace Wittmer, Proprietors
 The General Store is a well known La Grange landmark established by C. L. Pankey. Ownership of Pankey's Store remained in the family for several generations with the last family owners being Mr. and Mrs. Lebert Baker of Chantilly. The store provides a flashback of rural, country store life when cotton was king and large, surrounding plantations depended on La Grange merchants to feed and supply the thriving community. The store is filled with these memories of the early 1890s through 1950s, and visitors are invited to spend time with us around the store and hoop cheese wheel. Although the Store is not



2 Cogbill's Store & Museum Rebuilt in 2000
14840 La Grange Road (corner of Hwy 57)
Lucy Cogbill, Proprietor
 George Alexander Lipscomb started selling construction materials and filling labor needs in La Grange and the surrounding area in the mid-1830s. After returning from the Civil War, his son William Peter Lipscomb opened a general merchandise business, which was lost to the 1900 cyclone. In 1901 Lipscomb rebuilt his store at the present location, having purchased the lot in 1889 from a Captain Hancock. The business passed through the family to his grandson Charles Lipscomb Cogbill, who operated it until the mid-1960s. A wide variety of goods from hardware to spices were sold to local farmers and citizens of the town. In 1991 Lucy Cogbill and Sherri Bruner-Osteen reopened the store for business, but tragedy struck for a second time and the building was destroyed by accidental fire in 1998. The store is being rebuilt and will contain historical items



3 Chantilly 1850
320 Fourth Street (corner of La Grange Road)
 Built by Hugh H. Falls, Chantilly possibly served as a summer home for this wealthy plantation owner. Over the years, the house was successively owned by the Mortons, Greens and Cowans until it was purchased by Mrs. Grace Pankey in 1941. This is one of the most photographed scenes in La Grange. The grounds are adorned with hundreds of



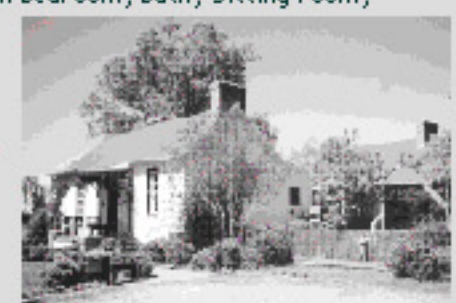
4 Tiara c. 1845
370 Fourth Street (corner of Chestnut Street)
 Tiara, the name derived from the cupola which sits like a crown at the top of the home, was built by Frank Cossitt. A beautiful, winding, solid walnut staircase leads from the entry hall to the upstairs. A large double parlor, typical of many antebellum homes, takes up the entire western part of the lower floor. This home, as well as several others in La Grange, served as a hospital during the Civil War. In 1900 the tornado which struck La Grange blew the beautiful cupola fifteen miles away to Hickory



5 Chez Soi En Fin (Home At Last) 1850
315 Fourth Street (corner of La Grange Road)
 This Greek Revival style home was owned by the McCracken family during the Civil War. Changing owners several times in the 1800s and 1900s, Chez Soi En Fin was purchased by Mr. and Mrs. Thomas Covington in 1964 and the restoration process began. Purchased in 1969 by Mr. and Mrs. John Stoll,



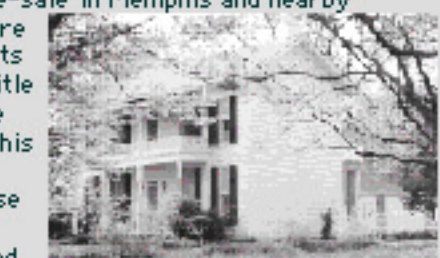
6 The La Grange Inn
240 Pine Street (see also #1, the La Grange General Store at 25 Main Street)
 Nestled in the heart of La Grange, the La Grange Inn is composed of three board-and-batten sided, tastefully restored, railroad overnight houses which were moved to La Grange from their original "stations" in Whiteville, Tennessee. The Inn is located appropriately along what is now the Norfolk-Southern Railway at 240 Pine Street. The three houses provide four private cottage accommodations, each with bedroom, bath, sitting room, woodburning fireplace, private entrance and porch. A gourmet/continental breakfast is a main event, as well as canoe trips down the Wolf River, biking and hiking throughout the scenic and historic countryside. The Inn is open only on a



7 Westover of Woodstock (Lucy Holcombe Picke Home) c. 1800
290 Pine Street (north of Norfolk-Southern Railroad Crossing)
 Records show that this house was purchased in 1829 as an "old house" by Colonel Philemon Holcombe, a Revolutionary War comrade of General Marquis de Lafayette. The beautiful and brilliant Lucy Holcombe was born here in 1832. After her marriage to Francis W. Pickens, Minister to Russia and later Governor of South Carolina during the Civil War, Lucy's portrait was printed on the Confederate one-dollar note of June 2, 1861, as well as three different one-hundred-dollar Confederate notes. She was the only woman so honored by the Confederacy, earning her the sobriquet "Queen of the Confederacy." After



8 Serenity c. 1858
15 Fourth Street (converges with Hwy 57)
 Charles R. Abbott bought the land and built Serenity in 1859. Abbott, a real estate salesman and mule trader, had a large barn for the carloads of mules he would purchase from Texas for re-sale in Memphis and nearby towns. Abbott did not acquire title to the land Serenity sits upon until he could obtain title to adjacent land next to the railroad in order to unload his mules. Mr. and Mrs. Dan Bushnell purchased the house from the Ann Isabella McNamee estate in 1970 and



9 Hillcrest c. 1840
22765 Hwy 57
 Built by James Abbott, Hillcrest is architecturally unusual with its Swiss Cottage architectural styling and is one of the few houses built of this style in this time period in Tennessee. The first floor has three levels and was built for coolness with two doors opening onto balconies on the upstairs levels, resulting in a cross ventilation or "southern-style air-conditioning". This architectural treasure was also



10 Nawoo Terrace c. 1917
85 Pine Street (corner of Hwy 57)
 This Dutch Colonial style home was built by Winbon Butler Cowan in 1917 from raw materials from the Cowan farm. The home sits atop a terraced hill with adjoining barn and pasture. Restoration work on the house was done in the 1930s and 1990s, and the home is still a part of



11 The La Grange United Methodist Church c. 1836
23105 Hwy 57 (corner of Poplar Street)
 Tradition has it that a meeting house built of logs was used for worship until 1836. On February 8, 1836, a warranty deed for Lot # 69 was made to the church by Mr. Booth Malone. A beautiful, pre-Civil War structure was built on the lot with 300-400 seating capacity. On November 20, 1900, a terrific cyclone struck La Grange, destroying the building. Another church was constructed on the site but destroyed again by the tornado of 1926. Church members held fundraisers once again to rebuild the church in



12 Lipscomb-McNamee House c. 1880
23125 Hwy 57 (corner of Poplar Street)
 Past owners of this home include William Peter Lipscomb, the Emmitt Stafford family, two generations of the J.T. McNamee family and the Taylor family. The small house in back was built for a housekeeper and cook for the Lipscomb family. Restored in 1992 by Davenport Bros. Construction, this one-



13 La Vita E' Bella (Life is Beautiful) 1908
10 Poplar Street (corner of Hwy 57)
 Records show that John Anderson, an influential citizen in the days of the town's early formation, owned this property. For many years the home was occupied by descendants of the Anderson family and became known to locals as "Miss Will's (Anderson) House." Restoration efforts began in the 1970s by Mr. and Mrs. Harry Martin. The beautiful, steeply gabled home has beveled, leaded glass in the front door and front sidelights, a



14 The Old Parsonage c. 1839
190 Second Street (corner of Poplar Street)
 The Old Parsonage is a good example of the Plantation Plain style home common in antebellum Tennessee. The land was bought and the house built by a La Grange citizen who became indebted and lost the property in 1843. The property was then acquired by George P. Shelton, a prominent La Grange merchant during the 1840s through the beginning of 1862, when commerce was suspended because of the Civil War. At the end of the 19th century, the Old Parsonage became the property of the Methodist Episcopal Church South to be used as a parsonage for the circuit-rider preacher who covered the La Grange, Moscow and



La Grange

15 Immanuel Episcopal Church 1842
35 Second Street
 Early services for the Episcopal communicants were held in the home of Mr. John Anderson as early as 1827. In 1832 through the efforts of Mary Hayes Willis Gloster, the La Grange Immanuel Episcopal Church was formally organized. The present church was completed in 1842. Patterned after the Episcopal Church in Warrenton, North Carolina on land donated by Mrs. Gloster, her slaves made the brick and hewed the timbers for the building, which contains an upper slave gallery for her slaves to attend church services. During the Civil War, the church was first used as a hospital for Union soldiers. The church pews were taken to make coffins for those who died, and later the church was used as an ordnance storage facility. During the 1920s while under renovation, workmen removed wallpaper which revealed where hospital occupants had written their names, addresses and Bible verses from their beds. The



16 Hawthorn 1915
23280 Hwy 57 (corner of Chestnut Street)
 John Sion Hamill had this Victorian home built for his family and moved them in on September 20, 1915. In 1932, the upstairs addition was built. A distinctive part of the home is the many-windowed sleeping porch which can be seen on the back of the house.



17 The La Grange Civic Center c. 1921
14600 La Grange Road
 On this site once stood the La Grange Female College, founded c. 1854 and considered the most successful early educational facility ever built in the town. It was completed in 1856 and contained about 25 rooms. Its first president was Professor David Bancroft Johnson who died shortly after the college opened. The college closed during the Civil War, was reopened afterward and continued instructing ladies from all over the South in music, languages and other academic disciplines. Later, the building was used as a public school until it burned in 1921. The La Grange Elementary school was then built on this site and operated until the late 1960s. Currently, this municipal building serves as City Hall and is



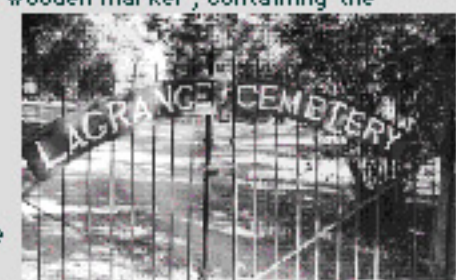
18 Tyrone Place c. 1834
14400 La Grange Road
 Originally named Avenue of Cedars, this Greek Revival raised cottage style home was re-named Tyrone Place by Mr. and Mrs. James McNamee, whose ancestors hailed from Tyrone County, Ireland. The split-level construction has a formal living room upstairs, original heart pine floors, 14 foot ceilings and original trim molding and window panes. All of the doors and windows in the original, front part of the house are Greek or Egyptian key design. The "English basement", partially above ground, contains one of four fireplaces and the original brick floors are 2 feet below the existing handmade brick floors. Spared from destruction during the Civil War, Sherman's army reportedly used this basement to make bullets and soldiers' names were



19 The Northross Home c. 1838
14320 La Grange Road
 This Tennessee Plan Dogtrot house in Greek Revival style is 1838. Owned by the McNamee family for most of that time, the home remained in its original form until 1916 when a kitchen, dining room and pantry were added to the house, replacing a separate, free-standing kitchen in back. Mr. and Mrs. James McNamee moved from this house in 1957 to Tyrone Place next



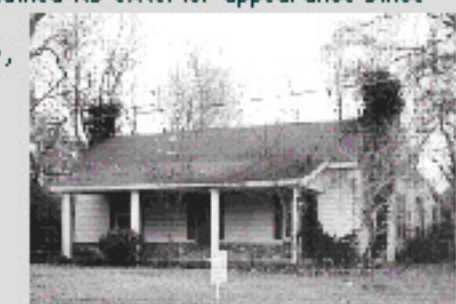
20 The La Grange Cemetery Early 1800's
La Grange Road (at north end of town limits)
 Charles Wills, an officer of the 103rd Illinois Infantry, describes the beauty of this cemetery in his memoirs, but also goes on to mention the destruction of the tombstones by Union soldiers who were encamped in the town. In his memoirs, Wills talks of the 160 Confederate graves that bear no more than a little wooden marker, containing the initials of the soldier buried beneath it. Undoubtedly, these markers were used for firewood during the severe winter of 1863-64 and the names of the soldiers buried there have been lost to history. The cemetery still serves the



21 The Allen Cogbill Home c. 1847
190 Walnut Street (facing west)
 According to Lucy Pulliam Williamson, who lived at Hancock Hall during the Civil War, this house is reputed to have been built by Alice Cotton, a granddaughter of Robert Cotton, who is listed in the earliest records of Fayette County, having arrived about 1823 from Halifax County, North Carolina. The two-story home is built with 12 foot ceilings and large central hallways on both floors, resulting in plenty of cross ventilation with four rooms off each hall. The front door entrance has Greek key details, which were replicated on corners of the screened back porch, added in the late 1800s by the Franklin family. The home suffered damage by the tornado of 1900, which is



22 La Petite Maison (The Little House) c. 1900
23350 Hwy 57 (corner of Walnut Street)
 This home has retained its exterior appearance since its approximate building date, according to a former long-time La Grange resident. Ownership has included the families of: Norman and Lavilla Pulliam and son Wheeler; Waverly and Dorothy Sims and daughter Dorothy Ann; Mr. and



23 Hatton Cottage c. 1828
23400 Hwy 57
 Hatton Cottage was built by Major Edmund Winston and might be the house referred to in a letter written from La Grange dated October 10, 1835, by James Gilmer and published by the American Philatelic Society in the November 1983 issue: "Six years ago there was but one house in La Grange, and now it is a beautiful and uncommonly flourishing village..." Sometime after 1855, the house was used as Mrs. Slade's School for Boys. The Hatton family purchased the house in



24 Green Hill c. 1911
23430 Hwy 57
 Named Green Hill by Mr. and Mrs. Emmett Stafford when the land was fertile, green farmland, the property was passed down to their daughter Lizzie upon her marriage to Harry McNamee. The newlyweds had the home built by Tom Griffin shortly after their marriage, and it



25 Hancock Hall 1857
23615 Hwy 57
 Built by Dr. J.J. Pulliam, Hancock Hall figured prominently in Civil War activities. According to Mrs. Lucy Pulliam Williamson, Dr. Pulliam's daughter, Yankee officers took possession of the house in 1861, leaving only three rooms for the Pulliam family, and remained in the house until after the close of the war. General U.S. Grant made note in his memoirs of a pleasant evening spent dining at Hancock Hall on his visit of June 23, 1862. Union General Hurlbut's head-quarters was located on the front lawn in 1862, and soldiers pitched their tents in the field in back



26 Twin Gables 1834
23840 Hwy 57
 The original two rooms of this house were built in 1834 by Thomas Gloster Anderson. At that time, the front entrance of the house faced east towards the old road to Holly Springs, later called the Michigan City Road, which was the beginning point of Colonel Benjamin Grierson's cavalry raid into the deep South. During the Civil War, Twin Gables was owned by Professor John Rennie Blake of the La Grange Presbyterian Synodical College and was occupied by Union soldiers. It was Professor Blake who added two bedrooms, a dining room, entrance hall and living room to the home. In 1892, the Swift family added the Victorian "gingerbread". Throughout the years,

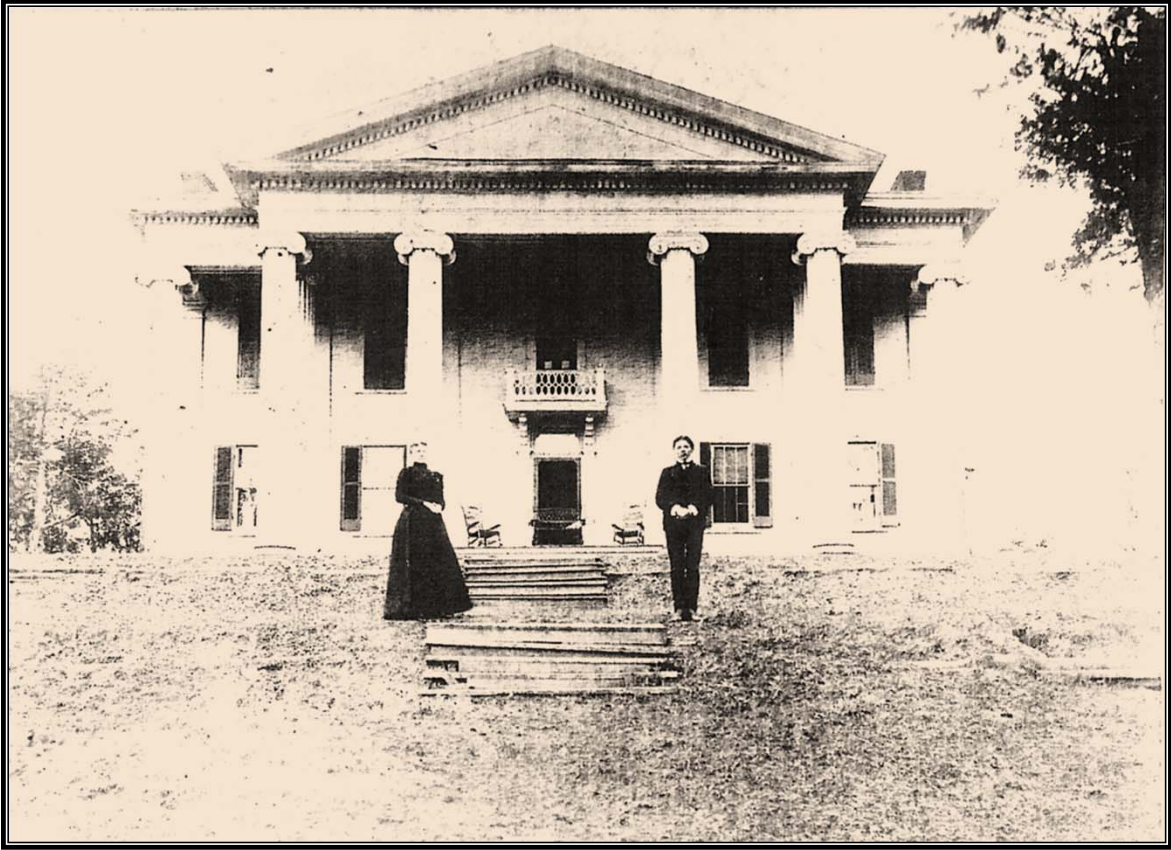


27 Gable Villa c. 1850
24045 Hwy 57
 Gable Villa was originally built north of La Grange on a 640 acre tract of land given by John Walker Jones to his daughter Ann Eliza and her husband, William Alfred Turner, around 1850. John W. Jones arrived in Tennessee in 1827 and was successful in the management of a new settlement, now known as the Ames Plantation, which was begun by his father-in-law, Micajah Moorman. Having once stood empty and unused for many years on its original site, the house remained in the family until it was sold by Martha Turner Carter, great-granddaughter of John Walker Jones, and moved to its present location in La Grange. Much rehabilitation and



28 Woodlawn Plantation 1828
24545 Hwy 57
 A veteran of the War of 1812, Major Charles Michie, chose this site for his stately Greek Revival style home. When Federal troops occupied La Grange in 1862, Woodlawn became the Western Tennessee headquarters for General William T. Sherman and was used as an emergency hospital during the war. It is reputed that Ulysses S. Grant visited Woodlawn as well. In 1875 Dr. J. J. Pulliam, who built Hancock Hall, bought Woodlawn from Mrs. Olivia Michie Winston, and Dr. Pulliam practiced medicine from his office at Woodlawn for many years. The house contains nine large rooms, each with a





History of
La Grange
Tennessee



Kingsport

Knoxville

Nashville

Clarksville

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Chattanooga

24

75

Jackson

Memphis

40

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ORDINANCE NO. O-2015-04

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF LA GRANGE TENNESSEE.

WHEREAS some of the ordinances of the Town of La Grange are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of La Grange, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "La Grange Municipal Code," now, therefore:

**BE IT ORDAINED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE TOWN OF LA GRANGE, TENNESSEE, THAT:**

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "La Grange Municipal Code," 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 town or authorizing the issuance of any bonds or other evidence of said town'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 town; 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, 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 town.

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."¹

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

¹State law reference

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

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 mayor and aldermen, 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 a 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.

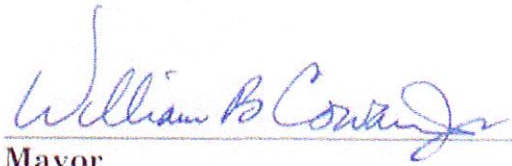
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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.

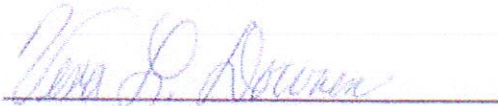
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading: August 17, 2015.

Passed 2nd reading: September 14, 2015.



Mayor



Town Recorder