

**THE
LAFAYETTE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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CITY OF LAFAYETTE, TENNESSEE

MAYOR

Jerry Wilmore

VICE MAYOR

Jason Phelps

COUNCILMEMBERS

Debra Harris

Jeff Hudson

David Kempf

John Tom Roberts

Steve Turner

FINANCE OFFICER/RECORDER

Kristie Talley

PREFACE

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

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

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team, Emily Keyser, Linda Winstead, and Nancy Gibson, is gratefully acknowledged.

Stephanie Allen
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER¹**

1. Every ordinance shall be read on two (2) different days in open session before its adoption, and not less than one week shall elapse between the first and second readings, and any ordinance not so read shall be null and void. Four votes shall be required to pass an ordinance on each reading.

2. The caption of an ordinance may be read on the first and second readings and the ordinance shall be read in its entirety on the third reading.

3. Copies of ordinances shall be available during regular business hours at the office of the City Recorder and during sessions in which the ordinance has its second and third readings. Any Ordinance may be amended on any reading.

4. All bills or ordinances when they have been finally passed or adopted, before they become effective, shall be signed by the Mayor. The Mayor shall affix his approval or disapproval within five days after the final action of the City Council thereon. If he withholds his signature for five days the bill or resolution becomes effective for failure to veto. The Mayor shall state his reasons for vetoing any bill in writing and transmit them with the bill back to the City Council for its action. The City Council may pass it over his veto or sustain the Mayor.

¹Charter reference: § 7.

June 1, 2021

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.
5. ELECTIONS.

CHAPTER 1

CITY COUNCIL

SECTION

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

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 7:00 P.M. on the first Tuesday of each month at the city hall. (1973 Code, § 1-101, modified)

1-102. Order of business. At each meeting of the city council, 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.
- (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.

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.

- (5) Communications from the mayor.
- (6) Reports from committees, members of the city council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1973 Code, § 1-102, modified)

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 governing body 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. (1973 Code, § 1-103, modified)

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Generally supervises city's affairs.
- 1-202. Executes city's contracts.
- 1-203. Proclamation of civil emergencies.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1973 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the governing body. (1973 Code, § 1-202)

1-203. Proclamation of civil emergencies. When in his judgment a civil emergency exists, the mayor may proclaim the same in writing pursuant to the terms of Tennessee Code Annotated, §§ 38-9-101, et seq., and may exercise such powers as are delegated to him by the said sections. It shall be unlawful for any person to violate the provisions of any such order issued by the mayor during any proclaimed civil emergency. (1973 Code, § 10-236)

¹Charter reference

Duties and powers: § 9.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1973 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the city which are not assigned by the charter, this code, or the governing body 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 city shall provide. (1973 Code, § 1-303)

¹Charter reference
Duties: § 11.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.

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 the appendix of the municipal code as Appendix A.

1-410. Ethics complaints.

1-411. Violations.

1-401. 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. (1973 Code, § 1-1601)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (1973 Code, § 1-1602)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (1973 Code, § 1-1603)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the

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

discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (1973 Code, § 1-1604)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (1973 Code, § 1-1605)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1973 Code, § 1-1606)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (1973 Code, § 1-1607)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (1973 Code, § 1-1608)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with

any provision of the municipality's charter or any ordinance or policy. (1973 Code, § 1-1609)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (1973 Code, § 1-1610)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (1973 Code, § 1-1611)

CHAPTER 5**ELECTIONS****SECTION**

1-501. Non-resident property owners to vote by absentee ballot.

1-501. Non-resident property owners to vote by absentee ballot.

Non-resident property owners shall be required to vote absentee in the City of Lafayette elections. The Macon County Election Commission shall notify the non-resident owners of the requirements of this section.¹ (as added by Ord. #652, Oct. 2013)

¹State law reference:

Tennessee Code Annotated, § 2-6-205.

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTERS**

1. UTILITIES COMMISSION.
2. AERONAUTICS COMMISSION.

CHAPTER 1**UTILITIES COMMISSION¹****SECTION**

- 2-101. Creation and membership.
- 2-102. Duties and powers of commission.

2-101. Creation and membership. There is hereby created the Municipal Utilities Commission of the City of Lafayette. The membership shall consist of the mayor, superintendent of utilities, and two (2) other members which shall be appointed by the governing body. The mayor and the superintendent of utilities shall serve on the commission during their terms as mayor and superintendent of utilities. Other members shall each serve for a period of one (1) year. All members shall serve at the pleasure of the governing body. (1973 Code, § 13-501)

2-102. Duties and powers of commission. The utilities commission shall have such duties and powers as may be delegated to it by the governing body from time to time by resolution. (1973 Code, § 13-502)

¹Municipal code references
Electricity and gas: title 19.
Water and sewer: title 18.

CHAPTER 2

AERONAUTICS COMMISSION

SECTION

- 2-201. Number of members and their terms.
- 2-202. Powers of the commission.
- 2-203. Members to organize the commission.
- 2-204. Commission authorized to operate jointly with other agencies.
- 2-205. Eligibility of members.
- 2-206. Management of airport funds.

2-201. Number of members and their terms. The aeronautics commission shall consist of three (3) members appointed by the governing body. The first appointee to the commission shall serve for a term of six (6) years. The second appointee shall serve for a period of four (4) years and the third member shall serve for a term of two (2) years. All terms shall begin to run from the date of appointment. (1973 Code, § 1-1001)

2-202. Powers of the commission. The commission shall have the following powers when such powers are not expressly prohibited by law:

- (1) To operate, maintain and improve the municipal airports and their facilities in their jurisdiction;
- (2) To spend such funds as comes to it from the municipality or other governmental agencies when such expenditures are authorized by the governing body;
- (3) To exercise the power of eminent domain when such exercise is reasonably necessary for the operation of such airports as are under their management;
- (4) To exercise such airport zoning authority as is consistent with laws governing airport zoning;
- (5) To exercise all power granted under general state law governing municipal airports;
- (6) To make all regulations reasonably necessary for the orderly operation of such municipal airports under their supervision. (1973 Code, § 1-1002)

2-203. Members to organize the commission. The commission, at its first meeting, shall select a member to serve as chairman and another member to serve as secretary. (1973 Code, § 1-1003)

2-204. Commission authorized to operate jointly with other agencies. The commission may enter into an agreement with either the federal or state governments or anyone of their agencies for the purpose of planning,

acquiring, establishing, developing, enlarging, improving, operating, regulating, protecting and policing any airport owned by this municipality. (1973 Code, § 1-1004)

2-205. Eligibility of members. All members of the commission are required to be bona fide residents of the city for at least six (6) months prior to the date of appointment thereto. (1973 Code, § 1-1005)

2-206. Management of airport funds. The commission shall deposit all airport funds in a separate bank account. It shall quarterly file with the governing body a financial statement which will include all receipts, expenditures and fund balances. (1973 Code, § 1-1006)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1973 Code, § 1-501)

¹Charter reference
Duties: § 11.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs: charges for court costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1973 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs: charges for court costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

Any person found to have violated any city ordinance which provides a penalty shall be subject to paying such court costs and other expenses as are appropriate in his/her case as shown hereinafter:

| | |
|--------------------------------------|---------|
| Issuing ticket or citation | \$25.00 |
| Docketing of case | \$ 7.50 |
| Affidavit and warrant | \$15.00 |
| Mittimus | \$ 8.00 |
| Bonds | \$ 8.00 |
| Entry of judgment | \$15.00 |
| Issuing subpoena | \$32.00 |
| Summoning witnesses | \$32.00 |
| Arrest | \$25.00 |
| Preparing bill of cost | \$15.00 |
| Issuing capias | \$25.00 |
| Abstract | \$13.00 |
| Continuance | \$ 5.00 |
| State fee | \$ 1.00 |
| TBI | \$15.00 |

Any such person shall pay to the City of Lafayette the following additional costs when applicable:

- (1) The costs of conducting any blood test, urine test, and/or breath analyzer test to determine alcoholic or drug content.

(2) The costs of transportation of the prisoner into and/or out of the County of Macon at the rate of forty and one-half cents (40.5) per mile. (1973 Code, §§ 1-508 and 10-237, modified, as amended by Ord. #584, July 2011)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of 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. (1973 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1973 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1973 Code, § 1-506)

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 city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1973 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1973 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1973 Code, § 1-505)

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 city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1973 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1973 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1973 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL POLICY.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.
4. DRUG AND ALCOHOL TESTING POLICY.

CHAPTER 1

PERSONNEL POLICY

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the City of LaFayette are adopted herein as if set out verbatim. (1973 Code, § 1-701, as amended by Ord. #699, Feb. 2017 ***Ch3_3-5-19***, and Ord. #702, May, 2017 ***Ch3_3-5-19***, and replaced by Ord. #704, July 2017 ***Ch3_3-5-19***)

¹The LaFayette Personnel Rules and regulations (Ord. #704, July 2017), and all amending ordinances, may be found in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-201. Title.
- 4-202. Purpose.
- 4-203. Coverage.
- 4-204. Standards authorized.
- 4-205. Variances upon standards authorized.
- 4-206. Administration.
- 4-207. Funding the program plan.

4-201. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Lafayette. (1973 Code, § 1-1101, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 *Ch4_06-01-21*)

4-202. Purpose. The City of Lafayette in electing to update the established Program Plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top Management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (1973 Code, § 1-1102, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 **Ch4_06-01-21**)

4-203. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Lafayette shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1973 Code, § 1-1103, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 **Ch4_06-01-21**)

4-204. Standards authorized. The occupational safety and health standards adopted by the City of Lafayette are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (1973 Code, § 1-1104, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 **Ch4_06-01-21**)

4-205. Variances upon standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (1973 Code, § 1-1105, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 **Ch4_06-01-21**)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-206. Administration. For the purposes of this chapter, the City of Lafayette Safety Director is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (1973 Code, § 1-1106, as replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 *Ch4_06-01-21*)

4-207. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Lafayette. (1973 Code, § 1-1107, as+9 replaced by Ord. #651, Oct. 2013, and Ord. #776, April 2021 *Ch4_06-01-21*)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedules.
- 4-304. Administrative procedures.
- 4-305. City-owned vehicle policy.

4-301. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (1973 Code, § 1-1401)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city 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 city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses. Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. 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 city 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 city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (1973 Code, § 1-1402)

4-303. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city'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. (1973 Code, § 1-1403)

4-304. Administrative procedures. The city 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 city recorder. This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (1973 Code, § 1-1404)

4-305. City-owned vehicle policy. The Internal Revenue Service requires certain affirmative policies by local governments to enable record-keeping and valuation rules be utilized.

The purpose of this regulation is to establish rules for the utilization of both city-owned vehicles and equipment that are owned or leased by the city be used by employees in the performance of their official duties for commuting to assist in scheduling and response time in the various city offices and departments.

Employees and officials of the City of Lafayette are prohibited from using city-owned vehicles for personal use, except for commuting when authorized to do so by the City of Lafayette City Council or by a designated official for bona fide non-compensatory reasons in the conduct of city business and for

de minimis personal use, such as stops for meals taken in the course of employment or on the way to and from home that does not materially increase the number of miles a vehicle is driven.

City vehicles shall be used for official city business and shall be made available for use in connection with city business.

On-call employees may from time to time be allowed to take a vehicle home. On such occurrences the rules that apply to those assigned vehicles shall be followed by those temporarily assigned vehicles.

Under no circumstances are employees operating city vehicles or city equipment to allow nonemployees to operate such equipment.

No driver or operator of a city vehicle or piece of equipment shall carry passengers except another city employee, elected city officials, approved volunteer personnel (reserve police officers and volunteer firefighters), clients or persons engaged in or advising on matters relating to city business. Other persons in the following categories are exceptions to this rule and may be transported in a city vehicle:

(1) Persons who are detained or who must be transported by the police department within the scope of their police duties;

(2) Spouses who are accompanying a city employee to a meeting in which the employee is representing the city (prior approval of the city mayor is required).

All city employees who are assigned a city vehicle and then use the vehicle for travel to and from work shall receive a statement indicating the amount of benefit, for tax purposes, derived from their use of vehicle.

Commuting rule: Under this rule, you determine the value of a vehicle you provide to an employee for commuting use by multiplying each one (1) way commute (that is, from home to work or from work to home) by one dollar and fifty cents (\$1.50) or current IRS commuting rate. If more than one (1) employee commutes in the vehicle, this value applies to each employee.

The primary driver or operator of each city vehicle or piece of equipment shall be immediately reported to the supervisor responsible for the vehicle or piece of equipment. If damage also occurs to vehicles or property not owned by the city, the accident shall also be reported to the appropriate police department. Whenever an accident occurs locally to a police department vehicle or whenever injury or death has occurred, the Tennessee Highway Patrol (THP) shall be notified and the THP will handle the investigation. If the THP is not available, the Lafayette Police Department or Macon County Sheriff's Office shall investigate. All accidents shall be reported as soon as possible by the supervisor to the maintenance shop and the recorder.

Regulations and procedures regarding the routine maintenance and care of city vehicles and equipment shall be issued by the maintenance supervisor. Any regulations which the maintenance supervisor may issue or which he has already issued shall be considered a part of the formal regulations concerning

the operation of city vehicles and equipment. The maintenance supervisor shall inform the city mayor or the mayor designee of any violations of these procedures.

City-owned vehicles not being used for commuting purposes or after normal business shall be secured on city-owned property unless temporarily located elsewhere, such as for maintenance.

All drivers and operators of city vehicles and equipment shall have appropriate (as required by the employee's job description) driver's/operator's licenses issued by the State of Tennessee or the state in which the employee resides and shall obey all traffic laws, rules, and regulations of the State of Tennessee and the City of Lafayette. (Ord. #608, Dec. 2011)

CHAPTER 4

DRUG AND ALCOHOL TESTING POLICY¹

SECTION

- 4-401. Purpose.
- 4-402. Scope.
- 4-403. Consent form.
- 4-404. Compliance with substance abuse policy.
- 4-405. General rules.
- 4-406. Drug testing.
- 4-407. Alcohol testing.
- 4-408. Education and training.
- 4-409. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result.
- 4-410. Voluntary disclosure of drug and/or alcohol use.
- 4-411. Exceptions.
- 4-412. Modification of policy.
- 4-413. Definitions.

4-401. Purpose. The City of Lafayette recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Lafayette to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Lafayette are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Lafayette has adopted this drug and alcohol testing policy effective January 1, 1996. This policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a Commercial Driver's License (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation

¹Appendices codified in this chapter are of record in the recorder's office.

Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

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

- (1) Being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;
- (2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city property;
- (3) Refusing or failing a drug and/or alcohol test administered under this policy;
- (4) Providing an adulterated, altered, or substituted specimen for testing;
- (5) Use of alcohol within four (4) hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- (6) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

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

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

All City of Lafayette property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. (1973 Code, § 1-1501)

4-402. Scope. Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Lafayette. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions who have been given a conditional offer of employment from the City of Lafayette. (1973 Code, § 1-1502)

4-403. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, Medical Review Officer (MRO), or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

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

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (1973 Code, 1-1503)

4-404. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (1973 Code, § 1-1504)

4-405. General rules. These are the general rules governing the City of Lafayette drug and alcohol testing program:

- (1) City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
- (2) City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.
- (3) All City of Lafayette property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City properly includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(4) Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring. Failure to so inform the city subjects the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (1973 Code, § 1-1505)

4-406. Drug testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six (6) separate conditions:

(1) Types of tests. (a) Pre-employment. All applicants for employee status for positions requiring a CDL or for a position in the fire department, police department, gas department, and transit department who have received a conditional offer of employment with the City of Lafayette, must take a drug test before receiving a final offer of employment.

(b) Transfer. Employees transferring to the fire department, police department, gas department, and transit department and/or another position within the city that requires a Commercial Driver's License (CDL) shall undergo drug testing.

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

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

In instances where post-accident (post-incident) testing is to be performed, the City of Lafayette reserves the right to direct the Medical Review Officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

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

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or the designated personnel of the City of Lafayette to the designated urine collection site within thirty-two (32) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within thirty-two (32) hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures. No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Lafayette and shall result in administrative action up to and including termination of employment.

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

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

thirty-two (32) hours must be fully documented by the attending medical personnel.

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

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One (1) supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

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

(e) Random testing. Only employees of the City of Lafayette possessing or wishing to obtain a Commercial Driver's License (CDL) are subject to random urine drug testing. It is the policy of the City of Lafayette to annually random test for drugs for at least fifty percent (50%) of the total number of drivers possessing or obtaining a Commercial Driver's License (CDL).

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

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

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

(f) Return-to-duty and follow-up. Any employee of the City of Lafayette who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be announced, and at least six (6) tests will be conducted the first twelve (12) months after an employee returns to duty. Follow-up testing maybe extended for up to sixty (60) months following

return to duty. The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the testing.

(2) Prohibited drugs. All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the personnel director. The following is a list of drugs for which tests will be routinely conducted (see Appendix A¹ for cutoff levels):

- (a) Amphetamines;
- (b) Marijuana;
- (c) Cocaine;
- (d) Opiates;
- (e) Phencyclidine (PCP);
- (f) Alcohol; and
- (g) Depressants.

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Lafayette to a drug test collection facility selected by the City of Lafayette (see Appendix B¹), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City of Lafayette to perform the analysis on collected urine sample.

(4) Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the Federal Department of Health and Human Services (DHHS) (see Appendix C¹).

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

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the

¹Appendices codified in this chapter are of record in the recorder's office.

analysis of the primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the personnel director.

(5) **Reporting and reviewing.** The City of Lafayette shall designate a Medical Review Officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix C¹).

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

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

(c) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the personnel director, and the employee.

(d) Neither the City of Lafayette, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (1973 Code, § 1-1506)

4-407. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six (6) separate conditions:

(1) **Types of tests.** (a) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Lafayette to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each

¹Appendices codified in this chapter are of record in the recorder's office.

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

Post-accident (post-incident) testing shall be carried out within two (2) hours following the accident (incident).

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Lafayette to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within two (2) hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

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

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

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

system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two (2) hours must be fully documented by the attending medical personnel.

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

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One (1) supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Lafayette making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel director within eight (8) hours of the decision to test and before the results of the tests are received by the department.

(c) Random testing. Only employees of the City of Lafayette possessing or wishing to obtain a Commercial Driver's License (CDL) or who are gas department employees are subject to random alcohol testing. It is the policy of the City of Lafayette to annually random test for alcohol at least twenty-five percent (25%) of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

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

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

(d) Return-to-duty and follow-up. Any employee of the City of Lafayette who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the testing.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the City of Lafayette shall be performed using Evidential Breath Testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

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

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

(b) Step two. Fifteen (15) minutes shall be allowed to pass following the completion of step one above. Before the confirmation test or step two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one (1) more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then step one shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

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

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

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of twenty-four (24) hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 percent before returning to duty with the City of Lafayette.

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

The completed breath alcohol test form shall be submitted to the personnel director. (1973 Code, § 1-1507)

4-408. Education and training. (1) Supervisory personnel who will determine reasonable suspicion testing. Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two (2) sixty (60) minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One (1) sixty (60) minute period will be for drugs and one (1) will be for alcohol.

The City of Lafayette will sponsor a drug-free awareness program for all employees.

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

- (a) Informational material on the effects of drug and alcohol abuse;
- (b) An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- (c) The City of Lafayette policy regarding the use of prohibited drugs and/or alcohol; and
- (d) The penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace. (1973 Code, § 1-1508)

4-409. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the City of Lafayette if their initial positive pre-employment drug and alcohol test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the city reserves the right to allow employees to participate in an education and/or treatment program approved by the city employee assistance program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's employee assistance program or other program sanctioned by the city, and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not

prohibit disciplinary action for the violation of city personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that a driver:

(1) Fails to provide adequate breath or testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city indicating a refusal to test. (1973 Code, § 1-1509)

4-410. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the City of Lafayette is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

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

Affected employees of the City of Lafayette may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

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

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

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

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the Substance Abuse Professional (SAP) of the City of Lafayette. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and personnel director of the City of Lafayette will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to

complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Lafayette. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (1973 Code, § 1-1510)

4-411. Exceptions. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. (1973 Code, § 1-1511)

4-412. Modification of policy. This statement of policy may be revised by the City of Lafayette at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Lafayette. (1973 Code, § 1-1512)

4-413. Definitions. For purposes of the drug and alcohol testing policy, the following definitions are adopted:

(1) "Alcohol." The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

(2) "Alcohol concentration." The alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten (210) liters of breath as indicated by a breath test.

(3) "Alcohol use." The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(4) "Applicant." Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a Commercial Driver's License (CDL) being processed for employment. For the purposes of this policy, an applicant may also be a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

(5) "Breath Alcohol Technician (BAT)." An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

(6) "Chain of custody." The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

(7) "Collection site." A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

(8) "Collection site personnel." A person who instructs donors at the collection site.

(9) "Commercial Driver's License (CDL)." A motor vehicle driver's license required to operate a Commercial Motor Vehicle (CMV).

(10) "Commercial Motor Vehicle (CMV)." Any vehicle or combination of vehicles meeting the following criteria: weighing more than twenty-six thousand (26,000) pounds; designed to transport more than fifteen (15) passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

(11) "Confirmation test." In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 percent or greater that provides quantitative data of alcohol concentration.

(12) "Confirmed positive result." The presence of a illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two (2) consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 percent is considered a positive result.

(13) "Consortium." An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

(14) "Department director." The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

(15) "DHHS." The Federal Department of Health and Human Services or any designee of the Secretary of the Department of Health and Human Services.

(16) "DOT agency." An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City of Lafayette, the Federal Highway Administration (FHWA) is the DOT agency.

(17) "Driver." Any person who operates a commercial motor vehicle.

- (18) "EAP." Employee Assistance Program.
- (19) "Employee." An individual currently employed by the City of Lafayette.
- (20) "Evidential Breath Testing Device (EBT)." An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."
- (21) "FHWA." Federal Highway Administration.
- (22) "Initial test." In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analysis procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- (23) "Medical Review Officer (MRO)." A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- (24) "Negative result." The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.
- (25) "NHTSA." National Highway and Traffic Safety Administration.
- (26) "Refuse to submit." Refusing to submit to an alcohol or controlled substances test means that an employee:
- (a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
 - (b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or
 - (c) Engages in conduct that clearly obstructs the testing process.
- (27) "Safety-sensitive drivers." Employees in the aviation, motor carrier, railroad, and mass transit industries.
- (28) "Split specimen." Urine drug test sample will be divided into two (2) parts. One (1) part will be tested initially, the other will remain sealed in case a retest is required or requested.
- (29) "Substance abuse professional." A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the

National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (1973 Code, § 1-1513)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The Citizens Bank and the Macon Bank and Trust Company of Lafayette, Tennessee, are hereby designated as the official depositories for all city funds. (1973 Code, § 6-501)

CHAPTER 2**REAL AND PERSONAL PROPERTY TAXES**¹**SECTION**

5-201. When due and payable.

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

5-201. When due and payable. Taxes levied by the city against real and personal property shall become due and payable on the dates prescribed in the charter. (1973 Code, § 6-101)

5-202. When delinquent--penalty and interest. All real 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. (1973 Code, § 6-102, modified)

¹Charter references

Assessment, collection, etc.: § 20, § 21.

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 city at the rates and in the manner prescribed by the Act. (1973 Code, § 6-201)

5-302. License required. No person shall exercise any such privilege within the city 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. (1973 Code, § 6-202)

¹Municipal code reference
Privilege tax: § 8-216.

CHAPTER 4

WHOLESALE BEER TAX

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 city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1973 Code, § 6-301)

¹State law reference

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

CHAPTER 5

PURCHASING REGULATIONS

SECTION

- 5-501. Competitive bidding
- 5-502. Exceptions to formal competitive bidding.
- 5-503. Formal competitive bidding procedure.
- 5-504. Determining the lowest responsible bidder.
- 5-505. Award to other than low bidder.
- 5-506. Rejecting bids.
- 5-507. Clause required in all contracts.
- 5-508. Purchase orders, etc.

5-501. Competitive bidding. No purchase of or contract for supplies or services shall be made by the city without formal competitive bidding, except as herein provided. (1973 Code, § 1-1301)

5-502. Exceptions to formal competitive bidding. Formal competitive bidding may be dispensed with in the following instances:

(1) When the dollar amount of the purchase or contract does not exceed two hundred dollars (\$200.00), the mayor shall make purchases and contracts in the open market after such inquiry as he deems necessary to insure that the price obtained is the most advantageous to the City of Lafayette.

(2) For purchases and contracts above fifteen thousand dollars (\$15,000.00) for equipment, for materials, supplies or services except for personal services, the need for such must first be determined by the Lafayette City Council and upon approval of said city council of such need of purchases and contracts for equipment, materials and supplies and services except for personal services above eight thousand dollars (\$8,000.00) shall be made in the following manner: For purchases and contracts from eight thousand dollars (\$8,000.00) to fifteen thousand dollars (\$15,000.00) the mayor shall solicit bids orally by telephone or in writing from at least three (3) suppliers, if so many be available in the locality; and he shall keep on file a tabulation make and quotations received.

(3) When the supplies can be obtained from only one (1) vendor.

(4) When the service is unique and not subject to competitive bidding.

(5) When an emergency exists and the procurement is essential to prevent delays of the using department which may vitally affect the life, health, or convenience of citizens. If an award is made without competition a formal report of such award together with a certification or statement justifying the lack of competition shall be made by the city council.

(6) When public work is performed by the city with its own employees.

(7) When an existing concession or maintenance service agreement is about to expire, and the city council by affirmative vote of not less than four (4)

of its members renews or extends such agreement, provided each such renewal or extension does not exceed the length of and contains terms as favorable to the city as the original agreement; or

(8) When the supplies and equipment can be purchased in cooperation with other public agencies or entities and it is to the advantage of the city to do so. (1973 Code, § 1-1302, as amended by Ord. # 531, Nov. 2007, and Ord. #783, June 2021 *Ch4_06-01-21*)

5-503. Formal competitive bidding procedure. All formal bids shall be solicited, opened and awards made thereon as follows:

(1) Solicitation of bids. Bids shall be solicited by notice inviting bids published in the newspaper, having general circulation within the corporate limits of the City of Lafayette, Tennessee, at least once each week for two (2) consecutive weeks with such first publications being at least twenty-one (21) days prior to the time of bid opening. However, bids for insurance shall be advertised at least once each week for two (2) consecutive weeks with the first publication being at least sixty (60) days prior to the time of bid opening unless an emergency exist.

(2) Contents of notice. Notice inviting bids shall include a general description of the supplies or services to be purchased or contracted for, shall state where bid forms and specifications may be secured and shall specify the time and place for the receipt and opening of bids.

(3) Minimum number of bids. Whenever possible, at least two (2) bids shall be obtained.

(4) Form of bids. All bids shall be in writing.

(5) Bid opening. Bids shall be opened by the city council at the time and place designated in the notice inviting bids.

(6) Awards: rejection. Awards shall be made by the city council to the lowest responsible bidder. However, the city council may reject all bids, solicit new bids, or may determine that the work or service may be performed more economically or more satisfactorily by the city with its own employees. (1973 Code, § 1-1303)

5-504. Determining the lowest responsible bidder. In determining the lowest responsible bidder, the following shall be considered in addition to price:

(1) The quality of supplies offered.

(2) The ability, capacity, and skill of the bidder to perform the contract or to provide the supplies or services required.

(3) Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference.

(4) The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or to provide the supplies or services.

(5) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.

(6) The quality of bidder's performance on previous orders or contracts for the city.

(7) Litigation by the bidder on previous orders or contracts with the city.

(8) The previous and existing compliance by the bidder with laws and ordinances relating to the subject of the purchase or contract.

(9) The ability of the bidder to provide future maintenance and service where such maintenance and service is essential. (1973 Code, § 1-1304)

5-505. Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons thereof shall be prepared by the city council, approved by the city attorney and filed with the other papers related to the transaction. (1973 Code, § 1-1305)

5-506. Rejecting bids. The city council may reject any and all bids. (1973 Code, § 1-1307)

5-507. Clause required in all contracts. There shall be inserted in all contracts and contractors shall be required to insert in all contracts the following provision: "No council member, officer, or employee of the City of Lafayette, during his tenure or for one (1) year thereafter has any interest directly or indirectly in this contract or the proceeds thereof." (1973 Code, § 1-1308)

5-508. Purchase orders, etc. There shall be prenumbered purchase orders for all purchases. The department head and city recorder or his/her designee are authorized to make purchases after first determining that the item is necessary, and that the quantity requested is appropriate. The recorder or his/her designee, by signing said purchase order, indicates that there is a sufficient balance in the unexpected appropriations to allow the expenditure, and that the expenditure is in accordance with the purpose of the appropriation. (1973 Code, § 1-1309)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST^{1, 2}

SECTION

- 6-101. Police officers subject to chief's orders.
- 6-102. Police officers to preserve law and order, etc.
- 6-103. Police officers to wear uniforms and be armed.
- 6-104. When police officers to make arrests.
- 6-105. Police officers may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Police reserve.

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

(2) Rules of discipline. Members of the police department shall be subject to reprimand, loss of pay, suspension from duty, reduction in rank or dismissal, according to the nature and aggravation of the offense, for any of the following offenses or violation of any rule, regulation or order governing the police department.

- (a) Intoxication while on duty.
- (b) Drinking any intoxicating liquor while on duty or in uniform or at any time, if such effects the conduct or performance of duties of said member on duty.
- (c) Willful disobedience of lawful orders of a superior officer.
- (d) Indecent, profane, harsh or uncivil language.

¹Municipal code reference

Motor vehicles, traffic and parking: title 15, chapter 7.

Charter reference: § 5(28).

²The policy and procedures manual for the City of Lafayette Police Department is on file in the city recorder's office.

- (e) Disrespect to any member of the department.
- (f) Unnecessary violence to a prisoner or any other person.
- (g) Sleeping while on duty.
- (h) Absence from duty without leave.
- (i) Immoral or indecent conduct.
- (j) Violation of any criminal law.
- (k) Leaving post or assignment without just cause.
- (l) Not properly patrolling post.
- (m) Conduct unbecoming an officer.
- (n) Conduct contrary to good order and discipline.
- (o) Publicly commenting upon official action of a superior officer, city officials and other police personnel.
- (p) Revealing to any unauthorized person not a member of the police department any proposed police action or movements, or provisions of any official order.
- (q) Making a false statement in application for appointment to the police department.
- (r) Neglect of duty.
- (s) Reporting in an unfit condition for duty.
- (t) Neglect or misuse of city property.

(3) General rules. (a) Members of the police department shall conduct themselves in a quiet, civil and orderly manner at all times; shall refrain from the use of indecent, profane, uncivil or threatening language even though there be great provocation; shall be gentlemanly and, respectful; shall use no unnecessary force or violence to prisoners or other persons; shall cheerfully perform all proper duties; answer all proper questions, but avoid unnecessary conversation while on duty. Superiors are required to be courteous to subordinates.

(b) On occasions of riot or any disturbance, it is the duty of the police to restore order and disperse the crowd by moderate means of persuasion, if possible. If these fail, the offenders must be dispersed by force and the principals arrested. Coolness and firmness are expected of officers in all cases, and in times of peril they must be careful to act in concert and protect each other. Shirking from responsibility or danger will be deemed sufficient cause for removal from service.

(c) No member of the police department shall communicate to any person any information which may tend to defeat the ends of justice--enabling any person to escape arrest or punishment or to secret or dispose of goods or property stolen or embezzled. Neither shall any member of said department communicate to any unauthorized person, not a member of the department, any information concerning any order or regulation for the government of the police department or any member or members thereof.

(d) No member of the police department shall directly or indirectly be concerned in making any compromises or arrangement between criminals and persons who have suffered from their acts with a view to permitting the offenders to escape arrest and punishment as provided by law.

(e) Members of the police department shall not interfere in civil matters, except to prevent a breach of the peace or to quell a disturbance actually commenced or under way.

(f) No member of the police department shall be permitted to solicit for, suggest or recommend any attorney, to become a surety for any person arrested nor to release a prisoner from custody, after arrest, except as provided by law.

(g) Members of the police department subpoenaed to give testimony or make an official deposition or statement, shall state clearly and truly all they know respecting the matter inquired of without fear or favor, and with no design to influence the result. (1973 Code, § 1-401, modified)

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 city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1973 Code, § 1-402, modified)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the governing body shall authorize and shall carry a service weapon (pistol) and ASP (billy club) at all times while on duty unless otherwise expressly directed by the chief for a special assignment. The provision "while on duty" shall be defined for the purpose of this section to mean that such officer shall be armed with the service pistol at all times while in public both during his regular tour of duty and at all other times. (1973 Code, § 1-403, modified)

6-104. When police officers to make arrests.¹ 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.

¹Municipal code reference

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1973 Code, § 1-404, modified)

6-105. Police officers may require assistance in making arrests. It shall be unlawful for any male person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1973 Code, § 1-405, modified)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1973 Code, § 1-406)

6-107. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(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. (1973 Code, § 1-407, modified)

6-108. Police reserve. There is hereby created an auxiliary or special police force which shall be designated as the "police reserve." The members of said police reserve shall be appointed by the mayor. The duties of the police reserve shall be to assist the regular members of the Lafayette Police Department, provided no member shall in any manner perform any act as a member of the police reserve unless he is specifically designated for duty as such member by the mayor or chief of police. When so designated the member or members shall have the same arrest powers and authority as regular officers of the police department including the authority to carry weapons. (1973 Code, § 1-408) +

CHAPTER 2**WORKHOUSE****SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1973 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1973 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1973 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. OPEN BURNING REGULATIONS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the entire corporate limits of the City of Lafayette, Tennessee. (1973 Code, § 7-101)

¹Municipal code references

Building, utility and residential codes: title 12.

Fires in streets, etc.: § 16-112.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Violations and penalties.
- 7-205. Fire lanes.
- 7-206. Classification of fire hydrants and color coding.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the National Fire Protection Association Code,² 2007 edition and the 2012 edition of the International Fire Code,³ including Appendix Chapters B, C, E, F, are hereby adopted by reference and included as part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of each said codes has been filed with the city recorder and is available for public use and inspection. Said fire prevention codes are adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #545, Sept. 2008, as replaced by Ord. #682, April 2016)

7-202. Enforcement. The fire codes herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1973 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire codes herein adopted, it shall be held to mean the City of Lafayette, Tennessee. (1973 Code, § 7-203)

¹Municipal code reference

Building, utility and residential codes: title 12.

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

³Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-204. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire codes herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1973 Code, § 7-207)

7-205. Fire lanes. (1) All premises which the Lafayette Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are readily accessible to fire equipment and apparatus.

(2) Fire lanes shall be provided for all buildings which are set back more than one hundred fifty feet (150') from the public road or exceed thirty feet (30') in height and are set back over fifty feet (50') from a public road.

(3) The fire lanes shall be at least twenty feet (20') in width with the road edge closest to the building at least ten (10') feet from the building, and any dead-end road more than three hundred feet (300') long shall be provided with a turn around at the closed end, at least ninety feet (90') in diameter. The designation, use and maintenance of fire lanes on private property located in the City of Lafayette shall be accomplished as specified by the Lafayette Fire Chief or his duly authorized representative, and said designation shall be in compliance with the provisions and requirements of this section.

(4) All fire lanes designated as required by this section shall be marked by contrasting color and markings on the road or parking surface, and shall be designated as "fire lanes," and appropriate signs, permanently mounted, shall be marked and maintained by the owners of said private buildings, with each and every fire lane having a sufficient number of signs, as determined by the Lafayette Fire Chief, which shall state:

"NO PARKING - FIRE LANE"

(5) It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct the use of any fire lane or lanes.

(6) Any person found guilty of parking a motor vehicle on, or otherwise obstructing a fire lane shall be fined an amount not to exceed fifty dollars (\$50.00) plus costs.

(7) Upon designation of an area as a fire lane, the Lafayette Fire Chief or his duly authorized representative, shall notify the property owner or

occupant of the need for a designated fire lane, and said property owner or occupant shall comply with said written designation and shall mark said fire lane and install the necessary signs within thirty (30) days from the receipt of written notification, or declared in violation of this section.

(8) Where the requirements of this section conflict with the National Fire Protection Association Code, the more stringent code shall apply.

(9) Failure of any property owner or occupant of real property which has been designated to be marked and used as a fire lane, as stated herein, shall be declared a violation of this section, and if found guilty a violator may be fined a sum not to exceed fifty dollars (\$50.00), for each violation, plus costs. (1973 Code, § 7-208)

7-206. Classification of fire hydrants and color coding. (1) Fire hydrants shall be classified and colored as follows:

(a) Class C hydrants (hydrant unable to deliver a flow of five hundred (500) gallons per minute at a residual pressure of twenty (20) pounds per square inch [psi]) shall have yellow barrels with red tops and red nozzle caps. Fire pumper trucks are prohibited from connecting to class C hydrants.

(b) Class B hydrants (hydrant delivers a flow of five hundred (500) to nine hundred ninety-nine (999) gallons per minute at a residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted orange by 2010.

(c) Class A hydrants (hydrant delivers a flow of one thousand (1,000) to one thousand four hundred ninety-nine (1,499) gallons per minute at a residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted green by 2010.

(d) Class AA hydrants (hydrant delivers a flow of greater than one thousand five hundred (1,500) gallons per minute at residual pressure of twenty (20) pounds per square inch, or greater) shall have the barrels painted chromium yellow, and all outlet caps and bonnets painted light blue by 2010.

All water mains designed for fire protection must be six inches (6") or larger and be able to provide five hundred (500) gallons per minute with twenty (20) pounds per square inch residual pressure.

(2) Any contractor that has installed a fire hydrant on a new water line extension or on an existing water line will be required to:

(a) Contact the City of Lafayette Fire Department to schedule a hydrant flow test to determine the color coding for said fire hydrant.

(b) Contractor will be responsible for color coding hydrants to meet the City of Lafayette code requirements. (1973 Code, § 7-209)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1973 Code, § 7-301)

7-302. Objectives. The 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. (1973 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1973 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

¹Municipal code reference

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

to the city council once each month, and at the end of the year a detailed annual report shall be made. (1973 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. Adequate discipline shall be maintained. However, any disciplinary action to be taken with regard to any firefighter shall follow those procedures as contained under the City of Lafayette Personnel Policies and Procedures, when such action is deemed to be necessary for the good of the department. (1973 Code, § 7-305, as replaced by Ord. #642, May 2013)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1973 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and 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 fire prevention commissioner in the execution of the provisions thereof. (1973 Code, § 7-308, modified)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-402. Fee for outside fire calls.

7-403. Fee for inside and outside false alarms.

7-401. Equipment to be used only within corporate limits generally.¹ No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the mayor or chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the governing body. (1973 Code, § 7-307)

7-402. Fee for outside fire calls. The fee for answering fire calls outside the corporate limits of the City of Lafayette shall be five hundred dollars (\$500.00). (1973 Code, § 7-307.1, as replaced by Ord. #664, Jan. 2014)

7-403. Fee for inside and outside false alarms. The fee for answering false alarm fire calls inside and outside the corporate limits of the City of Lafayette for the first false alarm fire call shall be fifty dollars (\$50.00). Additional false alarm fire calls within a thirty (30) day period shall be one hundred dollars (\$100.00) fee per call. (as added by Ord. #664, Jan. 2014)

¹State law reference

Tennessee Code Annotated, § 58-8-101, et seq., the Mutual Aid and Emergency Disaster Assistance Agreement Act of 2004, which authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definitions.
- 7-502. Sale and discharge of fireworks within the city limits.
- 7-503. Prohibitions.
- 7-504. Fire chief to enforce this chapter.
- 7-505. Violations.

7-501. Definitions. (1) The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "common" or "special" fireworks as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulations, title 49, Code of Federal Regulations, parts 173.88 and 173.100.

Exception No. 1: Toy pistols, toy canes, toy guns, or other devices in which paper and/or plastic caps manufactured in accordance with DOT regulations, 49 CFR 173.100 (p), and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

Exception No. 2: Model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models are not considered to be fireworks. (See NFPA 122, Code for Unmanned Rockets.)

Exception No. 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

Exception No. 4: Items described in (2)(e), are not considered to be common fireworks.

(2) The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, part 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive composition, and aerial devices containing one hundred thirty (130) mg or less of explosive composition. Common fireworks are classified as Class C explosives by the U.S. Department of Transportation and include the following:

- (a) Ground and hand-held sparkling devices. (i) Dipped stick; sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed one hundred (100) g per item. Those

devices containing any perchlorate or chlorate salts may not exceed five (5) g of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) g of composition per item are not included in this category, in accordance with DOT regulations.

(ii) Cylindrical fountain. Cylindrical tube not more than three-quarters inch (3/4") (19 mm) inside diameter, containing up to seventy-five (75) g of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(iii) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) g of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(iv) Illuminating torch. Cylindrical tube containing up to one hundred (100) g of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(v) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six (6) "driver" units: tubes not exceeding one-half inch (1/2") (12.5 mm) inside diameter and containing up to sixty (60) g of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(vi) Ground spinner. Small device similar to a wheel in design and effect and placed in the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(vii) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(b) Aerial devices. (i) Sky rocket. Tube not exceeding one-half inch (1/2") (12.5 mm) inside diameter that may contain up to twenty (20) g of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(ii) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(iii) Helicopter, aerial spinner. A tube not more than one-half inch (1/2") (12.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. A propeller or blade is

attached, which upon ignition lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(iv) Roman candle. Heavy paper or cardboard tube not exceeding three-eighths inch (3/8") (9.5 mm) inside diameter and containing up to twenty (20) g of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(v) Mine, shell. Heavy cardboard or paper tube up to two and one-half inches (2 1/2") (63.5 mm) inside diameter attached to a wood or plastic base and containing up to forty (40) g of pyrotechnic composition. Upon ignition, "stars" [see (b)(iv) above], firecrackers [see (c)(i)], or other devices are propelled into the air. The tube remains on the ground.

(c) Audible ground devices. (i) Firecracker, salute. Small paper-wrapped or cardboard tube containing not more than fifty (50) mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

(ii) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg.

(d) Combination items. Fireworks devices containing combinations of two (2) or more of the effects described in (1), (2), and (3) above.

(e) Novelties and trick noisemakers. (i) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(ii) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white colored smoke as the primary effect.

(iii) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed one hundred (100) g of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) g of composition per item.

(iv) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(A) Party popper. Small plastic or paper item containing not more than sixteen (16) mg of explosive composition that is friction sensitive. A string protruding

from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(B) Booby trap. Small tube with string protruding from both ends similar to a party popper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.

(C) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(D) Trick match. Kitchen or book match that has been coated with a small quantities of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(E) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(F) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) mg, may also be used to produce a small report. A squib is used to ignite the device.

(3) The term "special fireworks" shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two (2) grains (130 mg) of explosive composition, aerial shells containing more than forty (40) g of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks." Special fireworks are classified as Class B explosives by the U.S. Department of Transportation. (1973 Code, § 7-401)

7-502. Sale and discharge of fireworks within the city limits. No fireworks as defined in this chapter shall be sold within the City of Lafayette, Tennessee except from 8:00 A.M. on the 10th day of June to 11:00 P.M. on the 5th day of July, each, and from 8:00 A.M. on the 10th day of December to 11:00 P.M. on the 2nd day of January each. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M. The discharge of fireworks is prohibited except as hereinafter provided. The permissible time to discharge fireworks within the city limits shall be from July 3 through July 5 and from December 31 through January 2 of each year. The discharge of fireworks within the city limits shall not be allowed between the hours of 11:00 P.M. and 7:00 A.M. Persons or companies must discharge fireworks on their own property or on property on which the owner has given permission for the discharge of fireworks. The

discharge of fireworks should only be allowed within the corporate limits when a responsible adult is present at all times during the discharge of fireworks. All fireworks must be used and discharged in accordance with the fire codes adopted herein. (1973 Code, § 7-402)

7-503. Prohibitions. Nothing in this chapter shall be construed as prohibiting any of the following:

(1) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with the regulation of the U.S. Bureau of Alcohol, Tobacco, and Firearms. (See title 27, Code of Federal Regulations, part 181.)

(2) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided such fireworks are intended for shipment directly out of state in accordance with regulations of the U.S. Department of Transportation.

(3) The sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(4) The use of fusees and railway torpedoes by railroads.

(5) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purposes in athletics or sports.

(6) The use of any pyrotechnic device by military organizations.

(7) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or an equivalent state or local agency. [See title 16, Code of Federal Regulations, part 1500.17(a)(8).] (1973 Code, § 7-403)

7-504. Fire chief to enforce this chapter. The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. (1973 Code, § 7-404)

7-505. Violations. Any person, firm, copartnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor. (1973 Code, § 7-405)

CHAPTER 6

OPEN BURNING REGULATIONS¹

SECTION

- 7-601. Permit requirements.
- 7-602. Application process.
- 7-603. Fee schedule.
- 7-604. Safety restrictions.
- 7-605. Time limits.
- 7-606. Supervision.
- 7-607. Violation and penalty.

7-601. Permit requirements. (1) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit open burning of any kind without having first obtained a permit as herein required, and without complying with the provisions of this chapter. It shall also be unlawful to violate, or vary from the terms of any such permit, except as provided in subsection (2).

(2) Fires used for cooking food, ceremonial or recreational purposes, barbecues, outdoor fireplaces and fires set for the training and instruction of firefighters, do not need a permit.

(3) This grant of exemption shall in no way relieve the person, firm, corporation, association or others from the consequences, damages, or claims resulting from such burning; nor relieve the person, firm, corporation, association or others from the responsibility of using fire safe practices or from getting a permit from any other agency that may require such.

(4) Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the mayor, fire chief or designate.

(5) Open burning shall not be allowed on city streets or alleys.

(6) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit open burning of leaves at any time in the city limits.

(7) Burning of leaves and grass may be allowed by permit and in a heat-resistant container or pit not exceeding ten (10) square feet; and covered to prevent the escape of ignited particles.

(8) Burning of a brush pile may be allowed by permit upon inspection by the fire chief or his designee. Burning of a large brush pile may require the

¹Municipal code reference

Smoke, soot, cinders, etc.: § 13-102.

supervision of the fire department. (1973 Code, § 7-501, as amended by Ord. #741, May 2019 *Ch4_06-01-21*)

7-602. Application process. (1) Application for such permits shall be made to the fire chief, mayor or such person as designated to receive such applications, and shall state the following nonexclusive:

- (a) Location of the intended open burning;
- (b) Purpose;
- (c) Person, firm, corporation, association and/or others doing the actual specified work;
- (d) Name of the person, firm corporation, association or others for whom the work is being done;
- (e) Hours of burning;
- (f) Any other information as may be deemed by the mayor, fire chief or designate to be necessary to evaluate the permit application;
- (g) Signature of applicant on agreement stating the applicant will comply with this municipal code and laws relating to the burning to be done, if applicable.

(2) The mayor, fire chief or designate will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the mayor, fire chief or designate, may issue an open burn permit written or verbally, subject to terms and conditions provided herein. (1973 Code, § 7-502)

7-603. Fee schedule. No fee shall be required to obtain an open burning permit. (1973 Code, § 7-503)

7-604. Safety restrictions. (1) Any person, firm, corporation, association or others requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused.

(2) Any person, firm, corporation, association or others performing open burning shall do so according to the terms and conditions of the application and permit authorizing the burning to be done.

(3) Any person, firm, corporation, association or others shall be responsible for using fire safety practices and for getting a permit from any other agency that may require such.

(4) Fires should not be left unattended.

(5) No person, firm, corporation, association or others is in any way relieved from the consequences, damages, or claims resulting from such burning.

(6) The fire department shall have the authority to forbid, restrict, or suspend any and all burning when the fire chief, or the senior fire officer in charge, has determined that conditions are hazardous for outdoor fires. (1973 Code, § 7-504)

7-605. Time limits. (1) Any person, firm, corporation, association, or others performing open burning shall have all fires extinguished one (1) hour before dark unless § 7-601(2) is applicable and/or the fire department has previously been advised.

(2) Any exception must have the consent of the mayor, fire chief or designate, prior to the expiration of the time limit.

(3) Each permit shall be granted for a maximum of three (3) days, except as provided in § 7-605(2). (1973 Code, § 7-505)

7-606. Supervision. Fires should not be left unattended. (1973 Code, § 7-506)

7-607. Violation and penalty. (1) Any violation of this chapter shall constitute an offense and shall be punishable by a penalty under the general penalty provision of this code; by revocation of permit or by both penalty and revocation.

(2) Any person violating any of the provisions of this chapter shall be liable to the City of Lafayette for any expense, loss or damage incurred by the city to public property as a result of such violation.

(3) No person, firm, corporation, association or others is in any way relieved from the consequences, damages or claims resulting from such burning.

(4) Violation of any provision of this chapter is hereby declared to be unlawful and shall be punishable by a fine of not more than fifty dollars (\$50.00). Each violation and/or each day any such violation occurs shall be deemed a separate offense.

(5) In addition to the penalties provided in the foregoing subsections, whenever a person, firm, corporation, association or others violate any provision of this chapter or fail to comply with any requirement of the City of Lafayette under authority of this chapter, the city may petition the appropriate court(s) for injunctive relief. (1973 Code, § 7-507)

TITLE 8**ALCOHOLIC BEVERAGES**^{1, 2}**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is lawfully acting pursuant to applicable state laws³, it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1973 Code, § 2-101)

¹For a leading case on a municipality's authority to regulate beer, see the 1947 Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114.

²Municipal code reference
Wholesale beer tax: § 5-401.

³State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Off-premises permit.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Revocation of beer permits.
- 8-214. Limitation on reissue of permits for same location.
- 8-215. Industry interest in permit prohibited.
- 8-216. Privilege tax.
- 8-217. Civil penalty in lieu of suspension.

8-201. Beer board established. There is hereby established a beer board to be composed of seven (7) members. Four (4) of those members shall be city council persons to be selected by the city council. The other three (3) members shall be laypersons, with deference being to one (1) of them being from the religious community, one (1) from the business community and one (1) from the medical field. Each of those members shall be chosen by the city council and shall serve for a two (2) year term. The terms of office for the laypersons shall commence at the same time as the council persons elected during the 2020 City of Lafayette election and expire at the time of the expiration of those council members whose term expires in 2022. The mayor shall be its chairman and

¹Municipal code references

Drug and alcohol testing policy: title 4, ch. 4.

Minors in beer places: § 11-102.

Wholesale beer tax: title 5, chapter 4.

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).

shall preside at its meetings. Its members shall serve without compensation. (1973 Code, § 2-201, as amended by Ord. #762, Aug. 2020 *Ch4_06-01-21*)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the city council at the city hall unless the chairman announces in advance that there is no business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (1973 Code, § 2-202)

8-203. Record of beer board proceedings to be kept. The city recorder shall be required to attend and to make separate records 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 contents of each beer permit issued by the board. (1973 Code, § 2-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. However, when a quorum is present the affirmative vote of only a simple majority of the members voting shall be required for affirmative action by the board. (1973 Code, § 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the city in accordance with the provisions of this chapter. (1973 Code, § 2-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in the Tennessee Code Annotated, § 57-5-101. (1973 Code, § 2-206, as replaced by Ord. #700, March 2017 *Ch3_03-05-19*)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store 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, pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a nonrefundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Lafayette. Each applicant must be a person of good moral character and

certify that he has read and is familiar with the provisions of this chapter. (1973 Code, § 2-207)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. 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. Beer permits for retail sale of beer shall be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall likewise be unlawful for a beer permit holder not to comply with any and all express restriction or conditions which may be written into his permit by the beer board. (1973 Code, § 2-208)

8-209. Off-premises permit. An off-premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- (1) Be a grocery store or a convenience type market; and
- (2) In either case, be primarily engaged in the sale of grocery, personal, and home care and cleaning articles, but may also sell gasoline.
- (3) Have been in continuous operation for a period of not less than thirty (30) days.

In addition, the monthly beer sales of any establishment which holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Any establishment which for two (2) consecutive months or for three (3) months in any calendar year has beer sales exceeding twenty-five percent (25%) of its gross sales, shall have its beer permit revoked. (1973 Code, § 2-209)

8-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches or other places of public gatherings, 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 five hundred feet (500') of any school, church or other place of public gathering, defined as a public place which frequently has more than fifty (50) persons in attendance at a single time, event or gathering. The distance shall be measured in a straight line from the nearest public entrance of the building from which the beer will be manufactured, stored or sold to the nearest public entrance of the school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church or other place of public gathering if a valid permit has been

issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (1973 Code, § 2-211, as amended by Ord. #696, Sept. 2016, and replaced by Ord. #727, Sept. 2018 *Ch3_03-05-19*)

8-211. 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. (1973 Code, § 2-212)

8-212. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any person under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(3) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M. during any night of the week; at any time on Sunday.

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

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

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

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

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

(9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with any alcoholic content of more than five percent (5%) by weight.

(10) Allow any type of arcade game, or pool or billiard games in the same building where beer is sold. (1973 Code, § 2-213)

8-213. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any reputable local citizen upon the filing of an application with the beer board requesting such action. (1973 Code, § 2-214)

8-214. Limitation on reissue of permits for same location. Where a permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date the revocation became final and effective. (1973 Code, § 2-215)

8-215. Industry interest in permit prohibited. No permit shall be issued when a brewer, manufacturer, distributor or warehouseman of legal beer has any interest in the business, financial or otherwise, or in the premises upon which the sale of beer is to be carried out. (1973 Code, § 2-216)

8-216. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacturing of beer shall remit the tax on January 1, 1996, and each year successive January 1, to the City of Lafayette, 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 payment date. (1973 Code, § 2-217)

8-217. Civil penalty in lieu of suspension. The City of Lafayette Beer Board shall follow the requirements of the 2006 Responsible Vendors Act, which went into effect on July 1, 2007. Beer permit holders within the City of Lafayette may participate in the Responsible Vendor Act by agreeing to submit all clerks to a training program within sixty-one (61) days of being hired. The training must be approved by the Alcoholic Beverage Commission, and the training must cover the sale of beer for off-premises consumption, methods of recognizing and dealing with minors who attempt to buy beer, and procedures for refusing to sell beer to minors.

Permit holders shall provide the Alcoholic Beverage Commission with the names and identifying information for all new clerks, allowing the Alcoholic Beverage Commission to keep a list of all certified in the State of Tennessee.

In exchange for complying with the program, a certified vendor shall receive reduced punishments for the illegal sale of beer to a minor. Instead of revocation or suspension of their permit for the first offense the permit holder shall only be subjected to a civil penalty not to exceed one thousand dollars (\$1,000.00) per offense, Tennessee Code Annotated, § 57-5-108(a)(C).

If a certified vendor has two (2) or more violations in a twelve (12) month period they shall be subject to a revocation or suspension of their permit. However nonparticipating permit holders will be subject to increased civil penalties. A nonparticipating permit holder guilty of a sale to a minor will be subject to a suspension or revocation of their permit and a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) per offense, Tennessee Code Annotated, § 57-5-108(a).

The permit holder shall have seven (7) days within which to pay the civil penalty.

It shall be the responsibility of the permit holder to advise the chairman of the beer board in writing if they will be participating in the Responsible Vendors Act.

All participating vendors shall upon request from the chairman of the beer board or the chief of police shall make available for inspection all records pertaining to the Responsible Vendors Act.

For any other violation of this chapter the beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying the civil penalty not to exceed one thousand five hundred (\$1,500.00) for each offense, If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within to pay the civil penalty or revocation or suspension shall be deemed withdrawn. (1973 Code, § 2-218)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. EPHEDRINE AND EPHEDRINE RELATED PRODUCTS.
7. PAWNBROKERS.
8. GARAGE SALES.
9. ADULT-ORIENTED BUSINESSES.

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

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1973 Code, § 5-101)

¹Municipal code references

Building and residential codes: title 12.

Junkyards: title 13, chapter 2.

Liquor and beer regulations: title 8.

Noise reductions: title 11, chapter 3.

Parades, etc. regulated: § 16-110.

Zoning: title 14.

CHAPTER 2**PEDDLERS, ETC.**¹**SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Police officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1973 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1973 Code, § 5-202)

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

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

¹Municipal code references
Privilege taxes: title 5.
Trespassing: title 11, ch. 6.

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1973 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1973 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at

least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1973 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1973 Code, § 5-206)

9-207. Loud noises and speaking devices.¹ No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1973 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1973 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer or citizen. (1973 Code, § 5-209, modified)

¹Municipal code reference

Anti-noise regulations: title 11, ch. 3.

9-210. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1973 Code, § 5-210, modified)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1973 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1973 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1973 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-305. Soliciting contributions at street intersections.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. Provided further, that this section shall not apply to solicitations made by the Boy Scouts of America, Girl Scouts of America nor the little league athletic program when such funds are to be used by their organizations for their benefits. (1973 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1973 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1973 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (1973 Code, § 5-304, modified)

9-305. Soliciting contributions at street intersections. (1) Permits for charitable solicitations within the city's corporate limits shall be issued on a first to apply basis, to be conducted on a particular day of the month by the requested charitable or religious organization.

(2) Road block participants must follow guidelines as set out by the Lafayette Police Department and signed by the organization, and approved by the Lafayette Chief of Police.

(3) All charitable solicitation permits shall allow no more than four (4) solicitors from the permittee to be within the intersection at any one (1) given time. No Solicitation participants shall be under the age of eighteen (18).

(4) All solicitation shall take place of the intersections of Sneed Boulevard and Franklin Avenue, Ellington Drive and Church Street, and the Public Square, within the city's corporate limits. All roadblocks shall begin no earlier than 8:00 AM and end no later than 12:00 PM.

(5) All Internal Revenue Service recognized 501C (3) and (4) organizations may petition the Lafayette City Council for more than one (1) day during a month, not to exceed three (3) days during any calendar year.

(6) All organizations shall have at least a one million dollar (\$1,000,000.00) general liability insurance policy. Documentation should be submitted at the time application is made. No application will be approved prior to the city receiving such documentation from the organization.

(7) Any violation of this section shall be subject to a fine not less than fifty dollars (\$50.00) per incident. (1973 Code, § 5-305, amended by Ord. #559, Jan. 2009, replaced by Ord. #665, April 2014, and amended by Ord. #689, April 2016)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1973 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a

¹Municipal code reference
Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1972 Code, § 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle. The liability insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1973 Code, § 5-403, modified)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1973 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1973 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary

condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1973 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1973 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1973 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1973 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1973 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1973 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1973 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1973 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1973 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1973 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1973 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-504. Gambling, etc., not to be allowed.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1973 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire between the hours of 11:00 P.M. and 6:00 A.M. Monday through Saturday or at any time on Sunday other than between the hours of 1:00 P.M. and 6:00 P.M. on other days. (1973 Code, § 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1973 Code, § 5-503)

9-504. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1973 Code, § 5-504)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

EPHEDRINE AND EPHEDRINE RELATED PRODUCTS

SECTION

- 9-601. Sales regulated.
- 9-602. Definitions.
- 9-603. Accessibility of products.
- 9-604. Exemptions.
- 9-605. Employee training.
- 9-606. Registration of purchases.
- 9-607. Penalties for failure to comply.

9-601. Sales regulated. No person shall sell or deliver, or attempt to sell or deliver, in any single retail sale, a package that contains more than one hundred (100) tablets of any product that contains any quantity of ephedrine, pseudoephedrine or phenylpropanolamine, or any number of packages that contain a combined total of three (3) or more grams of ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients. (1973 Code, § 8-701)

9-602. Definitions. (1) The use of the terms "ephedrine," "pseudoephedrine," or "phenylpropanolamine" in this chapter shall include the salts, optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine and phenylpropanolamine.

(2) The use of the term "retail establishment" in this chapter shall include any business entity and individual person who sells, offers for sale, or attempts to sell any product containing ephedrine, pseudoephedrine, or phenylpropanolamine at retail.

(3) The use of the term "consumer accessible shelving" in this chapter shall mean any area of a retail establishment other than a product display area behind a counter where the public is not permitted, or within a locked display case or within six feet (6') of a register located on a checkout counter. (1973 Code, § 8-702)

9-603. Accessibility of products. All packages of any product containing ephedrine, pseudoephedrine or phenylpropanolamine, whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall not be displayed and offered for sale in any retail establishment on consumer-accessible shelving. (1973 Code, § 8-703)

9-604. Exemptions. This chapter shall not apply as follows:

- (1) To any product labeled pursuant to federal regulation for use only in children under twelve (12) years of age;
- (2) To any products that the state department of health, upon application of a manufacturer, determines has been formulated in such a way as to effectively prevent its use in the illicit manufacture of methamphetamine;
- (3) To any animal feed products containing ephedrine, or naturally occurring or herbal ephedra or extract of ephedra, pseudoephedrine, or phenylpropanolamine pursuant to the lawful prescription of a person authorized by state law to prescribe such products. (1973 Code, § 8-704)

9-605. Employee training. Any person who is considered the general owner or operator of a retail establishment where products containing ephedrine, pseudoephedrine, or phenylpropanolamine are available for sale who violates §§ 9-601 or 9-602 of this chapter shall not be penalized pursuant to this chapter if such person documents that an employee training program was in place to provide the employees with information on the local, state, and federal regulations regarding ephedrine, pseudoephedrine and phenylpropanolamine, and that the employees had completed the training program. (1973 Code, § 8-705)

9-606. Registration of purchases. (1) Any retail establishment that sells or delivers, or attempts to sell or deliver, to a person any product containing ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall require such person to show proper identification and to sign a register.

(2) The register described in subsection (1) shall be created by any retail establishment that sells a product or products described in subsection (1) and shall require at least the following information:

- (a) The specific quantity of ephedrine, pseudoephedrine or phenylpropanolamine purchased;
- (b) The signature of the purchaser;
- (c) The name and residential or mailing address of the purchaser, other than a post office box number;
- (d) The number of the purchaser's motor vehicle operator's license or other proper identification at the time of the purchase;
- (e) The date of such purchase; and
- (f) The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.

(3) The retail establishment shall retain each original register for three (3) years in a readily presentable and readable manner, and present the register upon demand by any law enforcement officer or authorized representative of the district attorney general's office.

(4) As used in this section, "proper identification" means a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser that contains a photograph of the purchaser.

(5) This section shall not apply to the sell or delivery of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine by a licensed pharmacy upon a pharmacist making a good faith determination that the purchase of the product is for a legitimate medical purpose. (1973 Code, § 8-706)

9-607. Penalties for failure to comply. It is a civil offense to fail to comply with the foregoing regulations. Any violation of these sections is punishable by civil penalty of up to fifty dollars (\$50.00). Each day a violation continues shall constitute a separate offense. (1973 Code, § 8-707).

CHAPTER 7

PAWNBROKERS

SECTION

9-701. State law adopted.

9-702. References in law: city officers designated.

9-701. State law adopted. The provisions of the Tennessee Pawnbrokers Act of 1988, Tennessee Code Annotated, § 45-6-201, et seq., are hereby adopted. (Ord. #560, April 2009)

9-702. References in law: city officers designated. Any reference in the Tennessee Pawnbrokers Act of 1988 to the county clerk is changed to the city recorder and any reference to the sheriff of the county is changed to the Chief of Police of the City of Lafayette, Tennessee. (Ord. #560, April 2009)

CHAPTER 8

GARAGE SALES

SECTION

- 9-801. Definitions.
- 9-802. Property permitted to be sold.
- 9-803. Hours of operation.
- 9-804. Display of sale property.
- 9-805. Advertising.
- 9-806. Persons exempted from chapter.
- 9-807. Violations and penalty.

9-801. 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 zone, as defined by the Zoning Ordinance of the City of Lafayette, Tennessee, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sale. This definition does not include the operation of such businesses carried on in a non-residential 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 media 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. (Ord. #562, June 2009)

9-802. 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. (Ord. #562, June 2009)

9-803. Hours of operation. Garage sales shall be limited in time to no more than 6:00 A.M. to 6:00 P.M. on three (3) consecutive days. (Ord. #562, June 2009)

9-804. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or 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 must be displayed on a permanently constructed driveway within such front of side yard. (Ord. #562, June 2009)

9-805. Advertising. The provisions of the general sign regulations of the City of Lafayette Zoning Code shall be met and include the following:

- (1) No sign shall exceed six feet (6') in sign face area.
- (2) No sign shall be placed more than five (5) days prior to sale.
- (3) All signs must be removed within two (2) days after the sale is completed.
- (4) No sign shall be placed on any utility pole, street sign, or any other public property. (Ord. #562, June 2009)

9-806. 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 the City of Lafayette Zoning Ordinance, 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.
- (4) Any sale conducted in a non-residential zoning district by any bona fide non-profit, charitable, eleemosynary, educational, cultural, or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption. (Ord. #562, June 2009)

9-807. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense. (Ord. #562, June 2009)

CHAPTER 9

ADULT-ORIENTED BUSINESSES

SECTION

- 9-901. Definitions.
- 9-902. License required.
- 9-903. Application for license.
- 9-904. Standards for issuance of license.
- 9-905. Permit required.
- 9-906. Application for permit.
- 9-907. Standards for issuance of permit.
- 9-908. Fees.
- 9-909. Display of license or permit.
- 9-910. Renewal of license or permit.
- 9-911. Revocation of license or permit.
- 9-912. Hours of operation.
- 9-913. Responsibilities of the operator.
- 9-914. Prohibitions and unlawful sexual acts.
- 9-915. Location restrictions-allowed only in an I-1 Light Industrial District subject to the following distance and spacing requirements.
- 9-916. Penalties and prosecution.

9-901. Definitions. An adult-oriented establishment as used in this chapter shall have the same meaning as the term "adult-oriented establishment" as used in Tennessee Code Annotated, § 7-51-1102, and in construing the term, the definitions contained in Tennessee Code Annotated, § 7-51-1102 (1) through (6) and (9) through (26), are likewise incorporated by reference into and made a part of this chapter. (as added by Ord. #680, March 2016)

9-902. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented business shall be operated or maintained in the City of Lafayette without first obtaining a license to operate issued by the municipality.

(2) A license may be issued only for one (1) adult-oriented business located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented business 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 business.

(5) All existing adult-oriented businesses at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented business shall cease operations.

(6) No license may be issued for any location unless the premises are lawfully zoned for adult-oriented businesses and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #680, March 2016)

9-903. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the City Recorder of the City of Lafayette. The application shall be filed in triplicate with and dated by this city official.

(2) The application for a license shall be upon a form provided by the city recorder. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

- (a) Name and addresses, including all aliases;
- (b) Written proof that the individual(s) is at least eighteen (18) years of age;
- (c) All residential addresses of the applicant(s) for the past three (3) years;
- (d) The applicants' height, weight, color of eyes and hair;
- (e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application;
- (f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented business license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
- (g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations;
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant;
- (i) The address of the adult-oriented business 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 business 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 City of Lafayette, 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 business, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name; and

(p) Evidence in form deemed sufficient to the city building inspector that the location for the proposed adult-oriented business 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 City of Lafayette, the city recorder shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city recorder shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the city recorder 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 city council 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 business license is denied by the city council and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Macon County, Tennessee, within five (5) days of the date of

any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the city recorder. (as added by Ord. #680, March 2016)

9-904. Standards for issuance of license. (1) To receive a license to operate an adult-oriented business, 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; and

(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 § 9-502 shall be at least eighteen (18) years of age; and

(ii) No officer, director or stockholder required to be named under § 9-502 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; and

(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 City of Lafayette has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city recorder no later than twenty (20) days after the date of the application. (as added by Ord. #680, March 2016)

9-905. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented businesses," no person shall be an employee or entertainer in an adult-oriented business without first obtaining a valid permit issued by the city recorder. (as added by Ord. #680, March 2016)

9-906. Application for permit. (1) Any person desiring to secure a permit shall make application to the city recorder. The application shall be filed in triplicate with and dated by the city recorder.

(2) The application for a permit shall be upon a form provided by the city recorder. An applicant for a permit shall furnish the following information under oath

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) All residential addresses of the applicant for the past three (3) years;
- (d) The applicant's height, weight, color of eyes, and hair;
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application;
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented business permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation;
- (g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations;
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant;
- (i) The length of time the applicant has been a resident of the City of Lafayette, or its environs, immediately preceding the date of the application; and

(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 Lafayette City of Lafayette, the city recorder shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the city recorder shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the city recorder 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 city council at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the city recorder. (as added by Ord. #680, March 2016)

9-907. 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 business laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application; and

(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 City of Lafayette has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city recorder not later than twenty (20) days after the date of the application. (as added by Ord. #680, March 2016)

9-908. 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. (as added by Ord. #680, March 2016)

9-909. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented business.

(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, the Macon County Sheriff's Department, or any person designated by the city council. (as added by Ord. #680, March 2016)

9-910. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city recorder. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder and to the operator. The application for renewal shall be a form provided by the city recorder and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(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 City of Lafayette is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city recorder.

(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 business in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the city recorder. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder and to the employee. The application for renewal shall be upon a form provided by the city recorder and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(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 City of Lafayette is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city recorder. (as added by Ord. #680, March 2016)

9-911. Revocation of license or permit. (1) The city recorder shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application;

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge;

(c) The operator or employee becomes ineligible to obtain a license or permit;

(d) Any cost or fee required to be paid by this chapter is not paid;

(e) An operator employs an employee who does not have a permit or provide 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 Macon County Health Department;

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition; or

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The city recorder, 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 city council, 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 business for two (2) years from the date of revocation of the license. (as added by Ord. #680, March 2016)

9-912. Hours of operation. (1) No adult-oriented business shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented businesses shall be open to inspection at all reasonable times by the City of Lafayette Police Department, the Macon County Sheriff's Department, or such other persons as the Mayor of Lafayette may designate. (as added by Ord. #680, March 2016)

9-913. 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 city council. 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 the City of Lafayette upon demand 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 business 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 City of Lafayette at all reasonable times.

(6) No employee of an adult-oriented business shall allow any minor to loiter around or to frequent an adult-oriented business or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented business 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 businesses for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures of 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 business 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 Business is Regulated by the City of Lafayette
Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

(as added by Ord. #680, March 2016)

9-914. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented business 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 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 of any other person.

(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 on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #680, March 2016)

9-915. Location restrictions-allowed only in an I-1 Light Industrial District subject to the following distance and spacing requirements. (1) No adult-oriented business shall be operated or maintained in the city within seven hundred fifty feet (750'), measured in a straight line from the closest points from building to building, of a public or private elementary or secondary school, licensed day care center, church, or a public recreational facility such as playground or park.

(2) No adult-oriented business shall be operated or maintained in the city within seven hundred fifty feet (750'), measured in a straight line from the closest points from property line to property line, of any lot devoted to residential use, or to any residentially zone district boundary line.

(3) No adult-oriented business shall be operated or maintained in the city within seven hundred fifty feet (750') , measured in a straight line from the closest points from the building to building, of another adult-oriented business.

(4) All of the above determined distance and spacing requirements are not subject to variances by the city's board of zoning appeals. (as added by Ord. #680, March 2016)

9-916. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each

violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #680, March 2016)

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.
4. DELETED.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water and shelter 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.
- 10-108. Animal waste to be removed.
- 10-109. Violation and penalty.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, birds or other domestic fowl, cattle, livestock, dogs, cats and reptiles, to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. (1973 Code, § 3-101, as replaced by Ord. #668, June 2014)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl, with the exception of dogs and cats, enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street, without a permit from the animal control officer. The animal control officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as

¹Municipal code reference
Animals on sidewalks: § 16-111.

set forth in the application for the permit will not injuriously affect the public health.

It shall be unlawful for any person to keep hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock within the corporate limits unless the property is zoned agriculture and contains five (5) or more acres.

(1) This section shall not be applicable to property used to keep the aforementioned animals as of the effective date of the enactment of this chapter. The keeping of said animals shall be treated as a non-conforming use as authorized by the Lafayette Zoning Ordinance. At such time as the property ceases to be used to keep said animals, this section shall be applicable to said property.

(2) This section shall not be applicable to veterinary clinics, boarding facilities, pet shops or livestock dealers licensed to do business in the city. (1973 Code, § 3-102, amended by Ord. #635, Feb. 2013, and replaced by Ord #668, June 2014)

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. (1973 Code, § 3-103, as replaced by Ord. #668, June 2014)

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, safe condition. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1973 Code, § 3-104, as replaced by Ord. #668, June 2014)

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. (1973 Code, § 3-105, as replaced by Ord #668, June 2014)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl. (1973 Code, § 3-107, amended by Ord. #635, Feb. 2013, and replaced by Ord. #668, June 2014)

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 the animal control officer or by any police officer and be confined in a pound provided or designated by the governing body. If the owner is known,

he shall be given notice in person, by telephone, or by postcard addressed to his last known 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 seven (7) 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 governing body.

The animal control officer 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 council member, to cover the costs of impoundment and maintenance. (1973 Code, § 3-108, amended by Ord. #635, Feb. 2013, and replaced by Ord. #668, June 2014)

10-108. Animal waste to be removed. It shall be unlawful for the owner of any animal to allow such animal to leave a deposit of excreta on any public walks, recreation areas, public parks, other public property, or private property without removing such excreta.

(1) Violation. The owner of any animal shall remove any excreta deposited by such animal on public walks, recreation areas, public parks, or private property other than the premises of the owner(s) of the animal(s).

(2) Proper removal. The removal and disposal of excreta shall be done in a safe and healthful manner. The means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such excreta, unexposed to such person or the public. Disposal shall be accomplished by transporting such excreta to a place suitable and regularly reserved for the disposal of human excreta, specifically reserved for the disposal of human excreta, specifically reserved for the disposal of animal excreta, or as otherwise designated as appropriate by the health department.

(3) Possession of means of removal. No person who owns, possesses, or controls any animal shall appear with such animal on any public walks, recreation areas, public parks, other public property, or private property, neither owned nor occupied by such person, without the means of removal of any excreta left by such animal(s).

Exemptions. The requirements for removing animal excreta under this section shall not apply to:

(a) Private property where the owner(s) of an animal(s) own, inhabit, or otherwise exercise control over.

(b) Private property where the owner(s) of an animal(s) have permission of the property owner(s) to leave the excreta. Where attendants are employed for the purpose of removing the deposits, such as would be the case in a parade, organized animal show (dog show, horse

show, etc.), a private animal boarding facility, a riding stable, or other such establishment(s) or event(s).

(c) Any handicapped person, who, by reason of the handicap, is physically unable to comply with the requirements of this section.

(4) Enforcement. Violation of this section shall be enforced(able) in accordance with law by the police department, code enforcement department, animal control officers, county health department, or any other designee of the city.

(5) Penalties. Violators will be subject to a fifty dollar (\$50.00) fine for each occurrence. (1973 Code, § 3-109, as replaced by Ord. #668, June 2014)

10-109. Violation and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provisions of this municipal code. Each day the violation shall continue shall constitute a separate offense. (as added by Ord. #668, June 2014)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Running at large prohibited.
- 10-203. Vicious dogs to be kept in a secured fenced area.
- 10-204. Noisy dogs prohibited.
- 10-205. Confinement of dogs and cats suspected of being rabid.
- 10-206. Number of dogs and/or cats, acreage restrictions.
- 10-207. Seizure and disposition of dogs and cats.
- 10-208. Impoundment fees.
- 10-209. Health permit and business license required.
- 10-210. Authority to impound dogs/cats.
- 10-211. Interfering with police officers or health department officials.
- 10-212. Law enforcement work dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat 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 68-8-114) or other applicable law. (1973 Code, § 3-201, as replaced by Ord. #668, June 2014)

10-202. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog or cat to run at large within the corporate limits. (1973 Code, § 3-202, as replaced by Ord. #668, June 2014)

10-203. Vicious dogs to be kept in a secured fenced area. It shall be unlawful for any person to own or keep any pit bull or any other vicious dog known to be dangerous unless said dog is in a secured fenced area as to reasonably provide for the protection of other animals and persons. It is a civil offense to fail to comply with the foregoing section. Any violation of this section is punishable by civil penalty of a fifty dollar (\$50.00) fine, plus court costs. Each day in violation shall constitute a separate offense. (1973 Code, § 3-203, as replaced by Ord. #668, June 2014)

¹State law reference

Tennessee Code Annotated, § 68-8-107.

10-204. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1973 Code, § 3-204, as replaced by Ord. #668, June 2014)

10-205. Confinement of dogs and cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or chief of police may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1973 Code, § 3-205, amended by Ord. #636, Feb. 2013, and replaced by Ord. #668, June 2014)

10-206. Number of dogs and/or cats, acreage restrictions. (1) The following prescribes the total number of dogs and/or cats or combination thereof allowed per specified acreage restrictions:

(a) Less than one and one-half (1.5) acres - Up to six dogs (6) dogs and/or cats or combination thereof.

(b) Greater than one and one-half (1.5) acres - Up to ten (10) dogs and/or cats or combination thereof.

(2) Reference to dogs and cats only refer to adult dogs and cats older than four (4) months. There are no restrictions on the number of dogs and cats younger than four (4) months old that can be on the property.

(3) This section shall not apply to veterinarian clinics, kennels, boarding facilities, pet shops, or pet dealers licensed to do business in the city.

(4) If all dogs and/or cats have been vaccinated and inoculated against disease as recommended by a veterinarian and such veterinarian will attest that such dogs and/or cats are properly cared for, and the animal control officer or other designated employee of the city verifies that the dogs and cats are being maintained in humane and sanitary conditions, the mayor may exempt any restriction as specified in this section; however, violations of any part of the animal control ordinances may result in revoking of the exemption. (1973 Code, § 3-206, amended by Ord. #636, Feb. 2013, and replaced by Ord. #668, June 2014)

10-207. Seizure and disposition of dogs and cats. Any dog or cat found running at large may be seized by the animal control officer and any police officer and placed in a pound provided or designated by the governing body. If said dog or cat 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 or cat by paying a reasonable pound fee, to be fixed by the animal control officer, or the dog or cat will be humanely destroyed or sold. If the dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within three (3)

days. No dog or cat shall be released in any event from the pound until such dog or cat has been vaccinated and a tag placed on its collar. Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar (\$25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.¹ When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer. (1973 Code, § 3-207, amended by Ord. #636, Feb. 2013, and replaced by Ord. #668, June 2014)

10-208. Impoundment fees. Any animal impounded may be reclaimed as provided by this chapter upon payment by the owner to the city pound of such a fee and board costs as may from time to time be established by the pound or by resolution of the city council, as well as the payment of any applicable license fees. (1973 Code, § 3-208, as replaced by Ord. #668, June 2014)

10-209. Health permit and business license required. Any person having in their possession dogs or any other animal, domestic or tamed, with the intent or purpose to sell or be given away to the general public shall have a health permit from a licensed veterinarian stating that said animal has a current vaccination record or is in a good state of health. In addition a business license is required from the City of Lafayette, if a charge or fee is paid for said animal or reptile. Penalty for violation of this section shall be two dollars (\$2.00) to fifty dollars (\$50.00) for each violation. A minimum fine and costs shall be

¹State law reference

Tennessee Code Annotated, § 44-17-501, *et seq.*, "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within thirty (30) days of the adoption if the animal is sexually mature, or within thirty (30) days after the animal reaches six (6) months of age if it is not sexually mature. Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal. An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

imposed for the first offense, a maximum fine and costs for the second and each offense thereafter. (as added by Ord. #668, June 2014)

10-210. Authority to impound dogs/cats. All police officers and animal control officers or other duly authorized persons shall have the right to take up and put into the city pound any dog/cat found in violation of any provision of this chapter. (as added by Ord. #668, June 2014)

10-211. Interfering with police officers or health department officials. It shall be unlawful for any person to interfere with or hinder any police officer or any official of the health department, including the animal control officer, in the discharge or apparent discharge of his duty in enforcing the provisions of this chapter. (as added by Ord. #668, June 2014)

10-212. Law enforcement work dogs. The provisions of this chapter do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. (as added by Ord. #668, June 2014)

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definitions.

10-302. Vicious dogs prohibited.

10-303. Impoundment; proceedings against owner.

10-301. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet (2') .

(2) "Vicious dog" shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation, or any dog owned or harbored primarily or in part for the purpose of fighting. (as added by Ord. #668, June 2014)

10-302. Vicious dogs prohibited. It shall be unlawful for any person to keep or harbor a vicious dog within the area of the city unless the vicious dog is confined. (as added by Ord. #668, June 2014)

10-303. Impoundment; proceedings against owner.

(1) Impoundment. Any vicious dog, may be taken into custody by the appropriate authorities of the police department and impounded. The fees imposed shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of the city in impounding the dog.

(2) Court proceeding against owner. If any vicious dog is impounded, the appropriate authorities of the police department may institute proceedings in the city court against the owner charging the owner with violation of this division. Nothing in this section shall be construed as preventing appropriate authorities of the city government or a complaining citizen from instituting a proceeding in city court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the city court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is a vicious dog

pursuant to this chapter, order the dog to be destroyed in an humane manner by the department of health. (as added by Ord. #668, June 2014)

CHAPTER 4

(as deleted by Ord. #781, June 2021 *Ch1_06-01-21*)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. OBSCENITY, MORALS.
9. GAMBLING.
10. CURFEW FOR MINORS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., in public places, etc.
 11-102. Minors in beer places.
 11-103. Public drunkenness.

11-101. Drinking beer, etc. in public places, etc. It shall be unlawful to commit the following violations within the City of Lafayette:

- (1) To drink or consume any beer or other alcoholic beverage in any public place, park, or any street, alley or public thoroughfare.
- (2) To possess any open can, bottle, or any other open container containing beer on any school property, library property, church property, public playgrounds, public parks or public buildings, or on any parking lot open to

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Littering: § 16-107.

Residential and utility codes: title 12.

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

Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

public use or on business property other than those business places which have a license for on the premises consumption of beer. (1973 Code, § 10-228)

11-102. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where, beer is sold at retail for consumption on the premises. (1973 Code, § 10-221)

11-103. Public drunkenness. It shall be unlawful for any person to be drunk in any place open to public view. Drunk as used in this section shall also include any person who shall be under the influence of a narcotic drug or under the influence of drugs producing stimulating effects on the central nervous system. (1973 Code, § 10-227)

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

11-201. Fortune telling, etc.

11-201. 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. (1973 Code, § 10-234)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET¹

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Unlawful assemblies.

11-301. 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. (1973 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

¹Municipal code reference

Loud noises and speaking devices: § 9-207.

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any

vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

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

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

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1973 Code, § 10-233)

11-303. Unlawful assemblies. It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose, or for the purpose of annoyance or disturbance of citizen or travelers, or to do violence to the property of the municipality or person or property of another against the peace and to the terror of others, or to make any move or preparation therefor, or being present at such meeting or assembly to fail to endeavor to prevent the commission of or perpetration of such unlawful acts. (1973 Code, § 10-239)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-403. Escape from custody or confinement.

11-404. Resisting or interfering with an officer.

11-405. Resisting arrest.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1973 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1973 Code, § 10-217)

11-403. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1973 Code, § 10-209)

11-404. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1973 Code, § 10-210)

11-405. Resisting arrest. It shall be unlawful for a defendant who has been notified by an officer of the officer's intent to arrest him to either flee or forcibly resist. (1973 Code, § 10-241)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1973 Code, § 10-213)

11-502. 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. (1973 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1973 Code, § 10-212, modified)

CHAPTER 6

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC¹****SECTION**

11-601. Trespassing.

11-602. Malicious mischief.

11-603. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1973 Code, § 10-225)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1973 Code, § 10-224)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1973 Code, § 10-232)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 2.

CHAPTER 7**MISCELLANEOUS****SECTION**

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Assault and battery.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1973 Code, § 10-222)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1973 Code, § 10-231)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1973 Code, § 10-226)

11-704. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1973 Code, § 10-201)

CHAPTER 8**OBSCENITY, MORALS****SECTION**

11-801. Disorderly houses.

11-802. Immoral conduct.

11-803. Obscene literature, etc.

11-804. Indecent or improper exposure or dress.

11-805. Window peeping.

11-801. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1973 Code, § 10-203)

11-802. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1973 Code, § 10-204)

11-803. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1973 Code, § 10-205)

11-804. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1973 Code, § 10-206)

11-805. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall

he loiter around or within view of any such window with the intent of watching or looking through it. (1973 Code, § 10-207)

CHAPTER 9**GAMBLING****SECTION**

11-901. Gambling.

11-902. Promotion of gambling.

11-901. Gambling. All persons or businesses within the corporate limits must comply with the state law regarding gambling. (1973 Code, § 10-215)

11-902. 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. (1973 Code, § 10-216)

CHAPTER 10**CURFEW FOR MINORS****SECTION**

11-1001. Purpose.

11-1002. Definitions.

11-1003. Curfew enacted; exceptions.

11-1004. Parental involvement in violation unlawful.

11-1005. Involvement by owner or operator of vehicle unlawful.

11-1006. Involvement by operator or employee of establishment unlawful.

11-1007. Giving false information unlawful.

11-1008. Enforcement.

11-1009. Violations punishable by fine.

11-1001. Purpose. The purpose of this chapter is to:

(1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city;

(2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and

(3) Foster and strengthen parental responsibility for children.

11-1002. Definitions. As used in this chapter, the following words have the following meanings:

(1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.

(2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

(3) "Establishment" means any privately-owned business place within the city operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.

(4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.

(5) "Parent" means:

(a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with whom a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means

(a) To linger or stay at or upon a place; or

(b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-1003. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked on any public place within the city, or to remain in or upon the premises of any establishment within the city, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the City of Lafayette; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-1004. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter.

11-1005. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter using the motor vehicle.

11-1006. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-1007. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-1003 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-1008. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-1003 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-1003 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address

or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-1003, 11-1004, 11-1005, or 11-1006 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-1009. Violations punishable by fine. A violation of §§ 11-1003, 11-1004, 11-1005, or 11-1006 subsequent to receiving a verbal warning as provided in § 11-1008 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. MECHANICAL CODE.
7. EXISTING BUILDINGS CODE.
8. MULTI-FAMILY HOUSING DESIGN STANDARDS.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-105. Building permit fees.
- 12-106. Small projects fees and schedule.
- 12-107. Demolition fees.
- 12-108. Moving fee.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Lafayette, Tennessee, the 2012 edition of the

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.

International Building Code,¹ excluding all appendix chapters, is hereby adopted and incorporated by reference as part of this code, and is hereafter referred to as the building code. (Ord. #546, Sept. 2008, as replaced by Ord. #683, April 2016)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the governing body. When the "Building Official" is named it shall, for the purposes of the building code, mean such person as the governing body shall have appointed or designated to administer and enforce the provisions of the building code.

No building permit shall be issued to any builder who proposes to construct any structure in the City of Lafayette, which fronts or backs on any state highway until said builder or property owner has obtained an entrance permit from the Tennessee Department of Transportation. The obtaining of the entrance permit shall be a prerequisite to obtaining a building permit from the City of Lafayette, Tennessee.

No building permit shall be issued to any builder who proposes to construct any structure in the City of Lafayette until said builder or property owner has obtained and purchased all Lafayette Utility tap fees required for said property. (1973 Code, § 4-102, modified, as amended by Ord. #654, Dec. 2013)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-103)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1973 Code, § 4-104)

12-105. Building permit fees. Building permit fees shall be figured at forty cents (.40) per square foot on all new construction. Any and all structures where square footage can be used as a measure, there shall be forty cents (.40) per square foot fee. No fee shall be assessed to an unheated attached porch on the new construction. This is to include up to five (5) inspections per permit, excluding industrial and commercial structures that might require multiple inspections. Additional inspections are sixty dollars (\$60.00) per inspection as

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

needed. (as added by Ord. #683, April 2016, as replaced by Ord. #769, Oct 2020
Ch4_06-01-21)

12-106. Small projects fees and schedule. Small projects where square footage is not a measure shall be assessed a set fee of sixty dollars (\$60.00).

Example: Pools, Decks, Porches, Roofs, Gazebos, Fences, Plumbing, Mechanical, and Signs.

Exception: Small projects of this type over fourteen thousand dollars (\$14,000.00), the fee shall be assessed using the fee schedule below.

| | | | | | | | |
|-------------|---------|-------------|----------|-------------|----------|--------------|----------|
| \$14,000.00 | \$60.00 | \$37,000.00 | \$106.00 | \$60,000.00 | \$152.00 | \$83,000.00 | \$198.00 |
| \$15,000.00 | \$62.00 | \$38,000.00 | \$108.00 | \$61,000.00 | \$154.00 | \$84,000.00 | \$200.00 |
| \$16,000.00 | \$64.00 | \$39,000.00 | \$110.00 | \$62,000.00 | \$156.00 | \$85,000.00 | \$202.00 |
| \$17,000.00 | \$66.00 | \$40,000.00 | \$112.00 | \$63,000.00 | \$158.00 | \$86,000.00 | \$204.00 |
| \$18,000.00 | \$68.00 | \$41,000.00 | \$114.00 | \$64,000.00 | \$160.00 | \$87,000.00 | \$206.00 |
| \$19,000.00 | \$70.00 | \$42,000.00 | \$116.00 | \$65,000.00 | \$162.00 | \$88,000.00 | \$208.00 |
| \$20,000.00 | \$72.00 | \$43,000.00 | \$118.00 | \$66,000.00 | \$164.00 | \$89,000.00 | \$210.00 |
| \$21,000.00 | \$74.00 | \$44,000.00 | \$120.00 | \$67,000.00 | \$166.00 | \$90,000.00 | \$212.00 |
| \$22,000.00 | \$76.00 | \$45,000.00 | \$122.00 | \$68,000.00 | \$168.00 | \$91,000.00 | \$214.00 |
| \$23,000.00 | \$78.00 | \$46,000.00 | \$124.00 | \$69,000.00 | \$170.00 | \$92,000.00 | \$216.00 |
| \$24,000.00 | \$80.00 | \$47,000.00 | \$126.00 | \$70,000.00 | \$172.00 | \$93,000.00 | \$218.00 |
| \$25,000.00 | \$82.00 | \$48,000.00 | \$128.00 | \$71,000.00 | \$174.00 | \$94,000.00 | \$210.00 |
| \$26,000.00 | \$84.00 | \$49,000.00 | \$130.00 | \$72,000.00 | \$176.00 | \$95,000.00 | \$212.00 |
| \$27,000.00 | \$86.00 | \$50,000.00 | \$132.00 | \$73,000.00 | \$178.00 | \$96,000.00 | \$214.00 |
| \$28,000.00 | \$88.00 | \$51,000.00 | \$134.00 | \$74,000.00 | \$180.00 | \$97,000.00 | \$216.00 |
| \$29,000.00 | \$90.00 | \$52,000.00 | \$136.00 | \$75,000.00 | \$182.00 | \$98,000.00 | \$218.00 |
| \$30,000.00 | \$92.00 | \$53,000.00 | \$138.00 | \$76,000.00 | \$184.00 | \$99,000.00 | \$220.00 |
| \$31,000.00 | \$94.00 | \$54,000.00 | \$140.00 | \$77,000.00 | \$186.00 | \$100,000.00 | \$222.00 |
| \$32,000.00 | \$96.00 | \$55,000.00 | \$142.00 | \$78,000.00 | \$188.00 | | |

| | | | | | | | |
|-------------|----------|-------------|----------|-------------|----------|--|--|
| \$33,000.00 | \$98.00 | \$56,000.00 | \$144.00 | \$79,000.00 | \$190.00 | | |
| \$34,000.00 | \$100.00 | \$57,000.00 | \$146.00 | \$80,000.00 | \$192.00 | | |
| \$35,000.00 | \$102.00 | \$58,000.00 | \$148.00 | \$81,000.00 | \$194.00 | | |
| \$36,000.00 | \$104.00 | \$59,000.00 | \$150.00 | \$82,000.00 | \$196.00 | | |

(1) A permit for any project would be sixty (\$60,000) for the first fourteen thousand dollars (\$14,000.00), then two dollars (\$2.00) per one thousand dollars (\$1,000.00) up to one hundred thousand dollars (\$100,000.00).

(2) Any permit for projects over one hundred thousand dollars (\$100,000.00) would be one dollar fifty cents (\$1.50) per one thousand dollars (\$1,000.00) up to five hundred thousand dollars (\$500,000.00).

(3) Any permit for projects at five hundred thousand (\$500,000.00) would be eight hundred twenty-six dollars (\$826.00); projects over five hundred thousand dollars (\$500,000.00) would be one dollar (\$1.00) per one thousand dollars (\$1,000.00). (as added by Ord. #683, April 2016, and replaced by Ord. #769, Oct. 2020 *Ch4_06-01-21*)

12-107. Demolition fees. The fee for demolition of any building or structure shall be:

| | |
|-------------------------|------------------|
| 0 to 100,000 cubic feet | \$50.00 |
| Over 100,000 cubic feet | \$0.50 per 1,000 |

(as added by Ord. #683, April 2016)

12-108. Moving fee. The fee for moving any building or structure over six hundred fifty (650) square feet shall be: \$100.00. (as added by Ord. #683, April 2016)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations.
- 12-205. Permit fees.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating and plumbing installation, including alteration, repairs, equipment, appliances, fixtures, fittings, and the appurtenance thereto, within, or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the 2012 edition of the International Plumbing Code,² including Appendix Chapters E, F, is hereby adopted and incorporated by reference as part of this code, and is hereafter referred to as the plumbing code. (Ord. #547, Sept. 2008, as replaced by Ord. #684, April 2016)

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

Wherever "Code Official" is named or referred to, it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the plumbing code. (1973 Code, § 4-202, modified)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-203)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1973 Code, § 4-204)

12-205. Permit fees. Any and all plumbing projects being performed inside the corporate limits of the City of Lafayette shall be assessed a fee of forty dollars (\$40.00) per permit. All plumbing projects over fourteen thousand dollars (\$14,000.00) shall be governed by provisions of § 12-106 "Small projects fees and schedule" in this code. (as added by Ord. #684, April 2016)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 2008 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code.

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1973 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1973 Code, § 4-304)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

12-305. Enforcement. The electrical inspector shall be such person as the governing body shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1973 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1973 Code, § 4-306, modified)

CHAPTER 4

GAS CODE

SECTION

- 12-401. Gas code adopted.
- 12-402. Available in recorder's office.
- 12-403. Gas permit required.
- 12-404. Enforcement.
- 12-405. Violations.
- 12-406. Fees.

12-401. Gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Gas Code,¹ 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the gas code. (Ord. #549, Sept. 2008, as replaced by Ord. #685, April 2016)

12-402. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-403, modified)

12-403. Gas permit required. No property owner shall cause or permit, nor shall any person make any service connection, install, modify, or change any gas piping or any gas, appliance or fixture within the municipality or its gas service territory until the person proposing to do the work shall have first obtained a permit therefor from the municipality. (1973 Code, § 4-404)

12-404. Enforcement. The gas inspector shall be such person as the governing body shall appoint or designate to enforce the provisions of this chapter and the gas code. He shall inspect the installations and/or modifications or repair of all piping, connections, appliances, and fixtures. He may enter any building or premises at any reasonable time for the purpose of discharging his duties. He shall not approve any gas piping installation, connection, repair, modification, or appliance which fails to meet the minimum requirements of this chapter and/or this gas code. Immediately upon the completion of the inspection,

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

the gas inspector shall notify the owner, his agent, or the occupant of the inspected property whether or not the inspection has been satisfactory. When the inspection reveals defective workmanship or material or any violation of this chapter or the gas code, written notice of the same shall be given by the inspector and he shall not authorize gas service until the defects have been corrected. (1973 Code, § 4-405)

12-405. Violations. It shall be unlawful for any person to do or authorize any gas installation or repair work or to use any gas in such manner or under such circumstances as to not comply with this chapter and/or the requirements and standards prescribed by the gas code. (1973 Code, § 4-406)

12-406. Fees. There shall be charged a fee of five dollars (\$5.00) for each permit issued. Such fee shall include the cost of inspections to be made by city gas department personnel. (1973 Code, § 4-407)

CHAPTER 5**RESIDENTIAL CODE****SECTION**

- 12-501. Residential code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.
- 12-505. Fees.

12-501. Residential code adopted. For the purpose of regulating the construction, alteration, movement, enlargement, replacement, repair equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress in the City of Lafayette; the International Residential Code,¹ 2012 edition, including appendix chapters E, G, H, J, K, M, is hereby adopted and incorporated by reference as a part of this code; with the exception that an automatic residential fire sprinkler system shall not be required if a two (2) hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall. (Ord. #550, Sept. 2008, as replaced by Ord. #686, April 2016, and Ord. #718, March 2018 *Ch3_03-05-19*)

12-502. Modifications. Whenever the residential code refers to the "Chief Appointing Officer," it shall be deemed to be a reference to the governing body of the municipality. When the "Chief Appointing Authority" is named, it shall mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the residential code. (1973 Code, § 4-502, modified)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-503)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (1973 Code, § 4-504)

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

12-505. Fees. Building permit fees shall be figured at twenty cents (.20) per square foot on all new construction. Any and all structures where square footage can be used as a measure, there shall be twenty cents (.20) per square foot fee. No fee shall be assessed to unheated attached garages, carports, and porches on new dwellings. Any small project permit fees over fourteen thousand dollars (\$14,000.00) shall be governed by provisions of § 12-106, "Small projects fees and schedule," § 12-107, "Demolition fees," § 12-108, "Moving fee," in this code. This is to include up to five (5) inspections per permit, excluding industrial and commercial structures that may require multiple inspections. Additional inspections at forty dollars (\$40.00) per inspection as needed. (1973 Code, § 4-505, as replaced by Ord. #686, April 2016)

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.
- 12-605. Permit fees.

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,² 2012 edition, including Appendix A, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #552, Sept. 2008, as replaced by Ord. #687, April 2016)

12-602. Modifications. Whenever the mechanical code refers to the "Chief Appointing Officer," it shall be deemed to be a reference to the governing body of the municipality.

When "Code Official" is named, it shall for the purpose of this existing building code name such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the mechanical code. (Ord. #552, Sept. 2008)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-603. Available in recorder's office. One (1) copy of the mechanical code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #552, Sept. 2008, modified)

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the existing mechanical code as herein adopted by reference. (Ord. #552, Sept. 2008)

12-605. Permit fees. Any and all mechanical projects being performed inside the corporate limits of the City of Lafayette shall be assessed a fee of forty dollars (\$40.00) per permit. All mechanical projects over fourteen thousand dollars (\$14,000.00) shall be governed by provisions of § 12-106 "Small projects fees and schedule" in this code. (as added by Ord. #687, April 2016)

CHAPTER 7

EXISTING BUILDINGS CODE¹

SECTION

12-701. Existing buildings code adopted.

12-702. Modifications.

12-703. Available in recorder's office.

12-704. Violations.

12-701. Existing buildings code adopted. The purpose of regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Lafayette, Tennessee and for providing for the issuance of permits and collection of fees therefore; the International Existing Building Code, 2012 edition, including Appendix B, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the existing building code. (Ord. #551, Sept. 2008, as replaced by Ord. #688, April 2016)

12-702. Modifications. Whenever the building code refers to the "Chief Appointing Officer," it shall be deemed to be a reference to the governing body of the municipality. When "Code Official" is named, it shall for the purpose of this existing building code name such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the existing building code. (Ord. #551, Sept. 2008)

12-703. Available in recorder's office. One (1) copy of the existing building code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #551, Sept. 2008, modified)

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference. (Ord. #551, Sept. 2008)

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.

CHAPTER 8

MULTI-FAMILY HOUSING DESIGN STANDARDS

SECTION

- 12-801. Purpose and objective.
- 12-802. Foundation materials.
- 12-803. Exterior walls.
- 12-804. Soffit materials.
- 12-805. Roofing materials and minimum thickness.
- 12-806. Roofing over porches, decks and stairways.
- 12-807. Porches foundations.

12-801. Purpose and objective. The City of Lafayette's environment is an important asset in seeking to attract residences, businesses and employment opportunities. The City of Lafayette seeks to preserve its quality of life and recognize its heritage and history while planning for its future. The city also recognizes that the physical appearance of the city impacts its economic growth. These guidelines communicate a set of designs standards for new multi-family development that are aimed at ensuring that the City of Lafayette maintains its citizens quality of life and provides a positive impact on economic development.

These designs standards apply to the exterior of any multi-family housing units, including duplexes, triplexes, and larger units; and to any house modified. (as added by Ord. #705, May 2017 *Ch3_03-05-19*)

12-802. Foundation materials. Foundations shall have no exposed regular concrete block split faced block can be used upon approval. Brick, rock, or stone veneer is acceptable. (as added by Ord. #705, May 2017 *Ch3_03-05-19*)

12-803. Exterior walls materials. All exterior walls shall be brick, rock, or stone veneer with exception of gable ends, and gables over porches. Fiber cement board siding or minimum .040" vinyl siding may be used on the gable ends and area covered by the porches for architectural expression. Variance may be allowed for more than six (6) units or to match the aesthetics of the existing complex. No additional land may be purchased to enlarge the existing complex for this rule to apply.

Wood siding may be approved as a variance. All exterior materials shall be installed according to manufacturer's recommended application procedure. (as added by Ord. #705, May 2017 *Ch3_03-05-19*)

12-804. Soffit materials. Soffit shall be wood, cement board, or vinyl soffit. All soffit materials shall be installed according to manufacturer's

recommended application procedure. (as added by Ord. #705, May 2017 ***Ch3_03-05-19***)

12-805. Roofing materials and minimum thickness. Roofing shall be architectural type fiberglass shingles, installed as per manufacture's specifications. Metal roof is allowed when installed over minimum three fourths inch (3/4") CDX plywood or seven sixteenths inch (7/16") OSB and stripped with one by four inch (1" x 4") wood laths, maximum twenty-four inches (24") on center, with approved moisture barrier. Minimum thickness of metal roofing shall be 29 Ga., #1 paint grade. All roofing materials shall be installed according to manufacturer's recommended application procedure. (as added by Ord. #705, May 2017 ***Ch3_03-05-19***)

12-806. Roofing over porches, decks, and stairwells. All porches, decks, and stairwells must be covered with a roof that matches roof on main building structure in which it is attached. No variance allowed. (as added by Ord. #705, May 2017 ***Ch3_03-05-19***)

12-807. Porches foundations. All lower level porches must have a solid foundation to match foundation on the main structure. No variance allowed. (as added by Ord. #705, May 2017 ***Ch3_03-05-19***)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY.
4. ABANDONED AND JUNK MOTOR VEHICLES.
5. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Codes enforcement officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Acts or conditions creating a nuisance.
- 13-107. House trailers.

13-101. Codes enforcement officer. The "codes enforcement officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1973 Code, § 8-401, as replaced by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1973 Code, § 8-405)

¹Municipal code references

Abandoned and junked motor vehicles: title 15, ch. 8.

Animal control: title 10.

Littering streets, etc.: § 16-107.

Open burning regulations: title 7, ch. 6.

Refuse and trash disposal: title 17.

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1973 Code, § 8-406)

13-104. Weeds. It shall be unlawful for any owner or tenant of land within the city to permit weeds or other such vegetation to exceed one foot (1') in height. Such owner or tenant shall be notified and this section shall be enforced as stated in chapter 5 of this title. This chapter is to protect the public health, safety, and welfare, and is not enacted to benefit or protect any individual person(s) or any group or class of persons.

(1) The whole parcel shall be maintained. (a) Exceptions:

(i) Vacant parcels one (1) acre or greater and parcels over (2) acres in size with a principal structure will be allowed to be utilized for agricultural crops.

(ii) The area around the principal structure must be maintained in accordance to this section.

- The defined area around the primary structure is the set-back requirements for the zoning of the property. (Example: R1, thirty feet (30') in the front of the structure, fifteen feet (15') on each side of the structure, and thirty feet (30') behind the structure. Except on corner lots. The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.)

(iii) Parcels that will be used for hay must be determined by codes enforcement officer, and harvested as rolls or bales a minimum of twice during the growing season from March-October and must be kept at a maximum height of twelve inches (12') from October-March.

(iv) Parcels that are unpassable by machinery such as tractors and mowers.

- Parcels or portions of parcels that are unpassable by machinery will be determined by the codes enforcement officer.

(2) Landscaping shall be maintained. The owner shall be responsible for the continued proper maintenance of all landscaping and shall keep it in a proper, neat and orderly appearance, free from refuse and debris at all times. (1973 Code, § 8-407, as replaced by Ord. #749, Oct. 2019 **Ch4_06-01-21**)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1973 Code, § 8-408)

13-106. Acts or conditions creating a nuisance. It shall be unlawful:

(1) 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.

(2) Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, which has not been shielded, redirected, or relocated to prevent the light source from illuminating neighboring property.

(3) Windows, doors, or building exteriors covered with inappropriate materials including, but not limited to, aluminum foil, cardboard, plywood, canvas tarps, or plastic, except during construction or pending permanent repairs; Piles of dirt which has not been leveled up within three (3) months of placement.

(4) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety.

(5) Any other condition existing on or in a building, accessory structure or property that is a safety or health hazard whether or not same is visible from the street. (1973 Code, § 8-409, as replaced by Ord. #706, May 2017 *Ch3_03-05-19*)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1973 Code, § 8-404)

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, plastic or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height. This fence shall be constructed and maintained so that the junk materials are not visible from the street or any other abutting property. Exceptions to enclosing the entire area with a fence shall be made by the mayor, providing all similar situations are treated equal.

(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. (1973 Code, § 8-410, as amended by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

CHAPTER 3

ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY

SECTION

13-301. Definitions.

13-302. Unlawful to store debris, garbage or junk.

13-303.--13-304. Deleted.

13-301. Definitions. For the purpose of this chapter, the following terms are defined:

(1) "Codes enforcement officer" means the authorized building official of the municipality and his/her authorized agents.

(2) "Junkyard" means a place where scrap is collected before being recycled or discarded. (as added by Ord. #618, July 2012, and replaced by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-302. Unlawful to store debris, garbage or junk. It shall be unlawful and a violation of this chapter:

(1) For the owner of any property in the municipality, or the owner's agent, or the occupant of any property in the municipality to store, keep, or accumulate debris, garbage, or junk so as to create an unsightly area on said property, or to allow anyone else to create such conditions on said property.

(2) Property damaged or destroyed by fire or acts of nature that has not been demolished or begin repair of within four (4) months after insurance settlement or, if uninsured, four (4) months from date of loss. Debris or refuse from fires or natural disasters remaining on property which has not been removed from property within four (4) months after insurance settlement or, if uninsured, six (6) months from date of loss.

(3) Graffiti.

(4) Scattered building or repair material in yard.

(5) Construction debris and refuse remaining on property thirty (30) calendar days after receipt of notice, for new construction or remodeling, three (3) months after certificate of occupancy is issued.

(6) Salvage items, including, but not limited to, auto parts, lawn mowers or equipment, scrap metals, tires and the like stored on property in excess of ten (10) days from receipt of notice.

(7) Piles of dirt which has not been leveled up within three (3) months of placement.

(8) Scattered or rotten firewood.

(9) Discarded garbage, rubbish, refuse, or recyclable items placed near the street for collection by city or city contractors that have not been collected

within seven (7) days of being deposited because such do not meet criteria for collection established by the city.

(10) Materials, equipment, items of personal property, or use for other than vehicle and trailer parking shall not be stored inside a carport to the extent that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed. Any items stored on carport must be enclosed in a container designed for exterior use.

(11) If the codes enforcement officer reveals that a person is in violation of this chapter, the officer shall charge the person with a violation, and issue a citation directing the person to appear in city court.

(12) A violation of this chapter subsequent to receiving a citation is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #618, July 2012, and replaced by Ord. #706, May 2017 *Ch3_03-05-19*, as amended by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

13-303.--13-312. Deleted. (as deleted by Ord. #749, Oct. 2019 *Ch4_06-01-21*)

CHAPTER 4

ABANDONED AND JUNKED MOTOR VEHICLES

SECTION

13-401. Definitions.

13-402. Storing, parking, or leaving junked or other motor vehicles prohibited and declared nuisance: exceptions.

13-403. Exceptions.

13-401. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Lafayette.

(2) "Director of traffic" is the chief of police of the City of Lafayette, or his/her designee.

(3) "Junkyard" means a place where scrap is collected before being recycled or discarded.

(4) "Junked vehicle" shall mean a vehicle of any age that is not lawfully registered and displaying a current license plate and is damaged or defective in any one or a combination of the following ways that either makes the vehicle immediately inoperable or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled or while being towed or pushed, if not self-propelled.

(a) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(b) Missing or partially or totally disassembled essential part(s) of the vehicle's drive train; including, but not limited to, engine, transmission, transaxle, drive shaft, differential or axle;

(c) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper(s), windshield or windows;

(d) Missing or partially or totally disassembled essential interior parts, including but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, or gear shift lever;

(e) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs or radiator;

(f) Interior is a container for metal, glass, paper, rags, or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(g) Lying on the ground (upside down, on its side, or at another extreme angle), sitting on a block or suspended in the air by any other method;

(h) General environment in which the vehicle sits, including but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(5) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers.

(6) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(7) "Private property" shall mean any real property within the city which is privately owned and which not public property is as defined in this section.

(8) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel, and shall also mean any other publicly owned property or facility.

(9) "Hobby cars" shall mean vehicles used for the purpose of a hobby, i.e. race cars and car restoration activities. Hobby cars used as race cars must be specifically adapted or designed for operation on drag strips or raceways. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-402. Storing, parking, or leaving junked or other such motor vehicles prohibited and declared nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of fourteen (14) days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of chapter 5. This section shall not apply to any vehicle as described in § 13-403. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-403. Exceptions. It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building housing, property maintenance, and other regulations governing the building in which is enclosed.

(2) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking, or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing businesses engaged in wrecking junking, or repairing vehicles.

(3) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of the citizens of the city.

(a) It shall be permissible for a person to park, store, keep and maintain a hobby car(s), on private property; however they shall be street legal, registered and displaying a current license plate if outside.

(b) They shall be stored in one of the following methods or a combination thereof if not street legal;

(i) Inside an enclosed building.

(ii) Vehicles may be stored inside an enclosed vehicle trailer.

(iii) Lawfully registered and displaying a current license plate.

(iv) Storage and maintenance areas must not create noise or the accumulation of spare vehicle parts about the property. (as added by Ord. #749, Oct. 2019 ***Ch4_06-01-20***)

CHAPTER 5

ENFORCEMENT

SECTION

- 13-501. Enforcement.
- 13-502. Process of enforcement.
- 13-503. Right of appeals.
- 13-504. Abatement.
- 13-505. Collection of cost of abatement.
- 13-506. Authority to include administrative cost.
- 13-507. Civil monetary penalties.
- 13-508. Disposition of property.
- 13-509. Redemption of impounded vehicles.

13-501. Enforcement. Pursuant to Tennessee Code Annotated, §§ 6-54-113 and 7-63-101, the codes enforcement officer is authorized to give notice by United States Mail, addressed to the last known given address of the owner or owners of the property or upon the person or persons apparently in lawful possession of the property for violations of this chapter on private property. The codes enforcement officer shall upon the complaint of any citizen, or acting on their own information, investigate complaints of property maintenance violation(s). If after such investigation the codes enforcement officer finds a property maintenance violation(s) on private property, the codes enforcement officer shall follow § 13-502. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-502. Process of enforcement. (1) The codes enforcement officer shall notify the owner(s) of the property or persons apparently in lawful possession of the property by regular mail, or by person to owner/tenant allowing 10 days to correct the violation.

(2) The codes enforcement officer shall notify the owner(s) of the property or persons apparently in lawful possession of the property by certified mail, to owner/tenant allowing ten (10) days to correct the violation with the cost of abatement.

(a) Cost of abatement. The City of Lafayette Public Works will access the cost of abatement. Minimum cost for abatement is three hundred dollars (\$300.00), three (3) hour minimum, and one hundred dollars (\$100.00) per man hour after the first three (3) hours and be added to property taxes.

(b) Voluntary compliance agreements. The city's codes enforcement officer shall investigate and inspect for violation of this chapter, and when the inspector or the inspector's agent observes a

violation, or believes there to be a violation, an attempt shall be made to contact the owner of the property, or the owner's agent, or occupant of the property, and make reasonable attempts to get the owner, agent, or occupant, to voluntarily remove such debris, garbage, or junk, that creates an unsightly area on said property and the codes enforcement officer shall keep notes of his contact with the owner of the property.

(3) If failure to reach the owner(s) of the property or the person(s) in lawful possession of the property by United States mail.

(a) The City of Lafayette Police Department may issue a citation in accordance with § 7-63-101. The codes enforcement officer may request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, §7-63-101.

(b) If failure to locate and issue a citation to the property owner(s) or the person(s) lawfully in possession of the property, the codes enforcement officer shall notify the City of Lafayette attorney of the violation and provide all correspondence, documents, pictures, and cost of abatement of the violation and the City of Lafayette judge shall issue an order of abatement. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-503. Hearing and right to appeal. The person(s) in violation has the right to appeal when the hearing is heard before the City of Lafayette judge. The hearing shall be canceled if the codes enforcement officer finds and advises the city judge, not less than twenty-four (24) hours before the scheduled hearing, that the violation has been corrected. While the appeal hearing is pending on such appeal, no penalties will accrue.

(1) If the owner(s) of the property or the person(s) in lawful possession of the property be found guilty of the violation(s) title 13, property maintenance regulations, the owner(s) of the property or the person(s) in lawful possession shall be responsible for all court costs.

(2) If the City of Lafayette Judge finds that the owner(s) of the property or the person(s) in lawful possession of the property guilty of the violation(s) or as many as three (3) times per year of title 13, property maintenance regulations, the City of Lafayette Judge may issue and order of abatement and collect cost of abatement and all fines as listed in § 13-507. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-504. Abatement. An order of abatement must be issued by the City of Lafayette Judge. The codes enforcement officer must complete a work order to be given to the City of Lafayette Public Works Director that the issues may be abated in accordance to the cost of abatement given in the certified letter. (as added by Ord. #749, Oct. 2019 **Ch4_06-01-20**)

13-505. Collection of cost of abatement. In accordance with Tennessee Code Annotated, § 6-54-113 public works shall turn the work order in to the city recorder who shall mail the cost of abatement to the owner of the property allowing thirty (30) days to pay all costs of abatement. If the cost of abatements has not been paid within the 30 days the recorder shall attach it as a lien on the property. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-506. Authority to include administrative costs in the case of repeat offender. The public works director shall add an additional administrative charge of fifteen percent (15%) to the cost of the work to abate the violation(s) and the city recorder may add an administrative charge of ten percent (10%) to set up the file(s), add the cost to the statement(s) of each parcel involved, and the same shall result and affect as set forth in prior sections of this chapter. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-507. Civil monetary penalties. Civil monetary penalties shall accrue fifty dollars (\$50.00) a day per violation for failure to correct the violation by the deadline said in the notice of citation. Payment of a monetary penalty shall not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation. The monetary and accessed costs constitute personal obligation of the person to whom the notice of civil violation was directed. The only change to this section is the title and section number. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-508. Disposition of property. Upon order of abatement by the City of Lafayette Judge, vehicles shall be impounded and the owner(s) of the property or persons apparently in lawful possession of the property shall be responsible for the impound cost to the impound facility of the City of Lafayette Police Department choice.

The impound facility may at their discretion sale the items after thirty (30) days of impound to offset costs of storage. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

13-509. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment has been made to the City of Lafayette, of such sum that has been levied, as fines for the violation and impounds fees paid. (as added by Ord. #749, Oct. 2019 *Ch4_06-01-20*)

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. GENERAL ZONING PROVISIONS.
2. PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS.
3. ZONING DISTRICTS AND MAP.
4. SPECIFIC DISTRICT REGULATIONS.
5. SUPPLEMENTARY REGULATIONS.
6. ADMINISTRATION AND ENFORCEMENT.
- 7.-10. DELETED.
11. TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL REGULATIONS.
12. MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

GENERAL ZONING PROVISIONS

SECTION

- 14-101. Short title.
 14-102. Purpose.
 14-103. Construction of language.
 14-104. Definitions.
 14-105. General provisions.
 14-106.--14-113. Deleted.

14-101. Short title. Chapters 1 through 6 of title 14 of the Lafayette Municipal Code shall be known as the "official zoning code of the City of Lafayette, Tennessee" and the map herein referred to, which is identified by the title "official zoning map of the City of Lafayette, Tennessee," dated February 2, 2016, shall be made a part of chapters 1 through 6 of title 14 of the Lafayette Municipal Code. (1973 Code, § 11-201, as replaced by Ord. #679, Feb. 2016)

14-102. Purpose. This official zoning code is enacted for the following purposes:

¹The "official zoning map of the City of Lafayette," and any amendments thereto, is of record in the city recorder's office.

The "Lafayette Municipal Airport zoning ordinance," Ord. #433, Jan. 2003, is of record in the city recorder's office.

- (1) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- (2) To divide the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, industrial, and other specified uses;
- (3) To protect the character and maintain the stability of residential, business, commercial, and industrial areas within the planning region, and to promote the orderly and beneficial development of such areas;
- (4) To provide adequate light, air, privacy, and convenience of access to property;
- (5) To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light, air, and protect the public health;
- (6) To establish building lines and the location of buildings designated for residential, business, commercial, industrial, or other uses within such lines;
- (7) To fix reasonable standards to which buildings or structures shall conform;
- (8) To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- (9) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- (10) To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- (11) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- (12) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- (13) To conserve the taxable value of land and buildings throughout the planning area;
- (14) To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- (15) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (16) To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations of the city;

(17) These general purposes include the specific purposes stated in the various chapters throughout this official zoning code. (1973 Code, § 11-202, as replaced by Ord. #679, Feb. 2016)

14-103. Construction of language. For the purposes of this official zoning code, certain terms or words shall be interpreted as follows:

(1) The words SHALL or MUST are always mandatory and not discretionary.

(2) The word MAY is permissive.

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

(4) The word PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(5) The phrase USED FOR shall include the phrases ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR, and OCCUPIED FOR.

(6) The word LOT shall include the words PLOT, PIECE, or PARCEL.

(7) Unless the context clearly indicates to the contrary conjunctions shall be interpreted as follows:

(a) AND indicates that all connected items, conditions, provisions, or events shall apply.

(b) OR indicates that the connected items, conditions, provisions, or events shall apply.

(c) EITHER...OR indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination. (1973 Code, § 11-203, as replaced by Ord. #679, Feb. 2016)

14-104. Definitions. Except where definitions are specifically included in various chapters and sections, certain words in the text of this official zoning code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

(1) Accessory apartment. A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

(2) Accessory use, structure, or building. A use, structure, or building on the same lot with, and of a nature customarily incidental, appropriate and subordinate to, the principal use, structure, or building.

(3) Activity. The performance of a function or operation which constitutes the use of land.

(4) Alley. A narrow service way providing a secondary public means of access to abutting property.

(5) Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting

structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

(6) Antenna shall mean any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

(7) Backhaul network shall mean the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

(8) Bed and breakfast inn. A dwelling or portion thereof, where short term lodging rooms and meals are provided. The owner/operator of the inn shall live in the dwelling.

(9) Buffer area. A landscaped area intended to separate and obstruct the view of two (2) adjacent land uses or properties from one another.

(10) Boarding or rooming house. Any dwelling in which three (3) or more persons, either individually or as families, are housed or lodged for hire with or without meals.

(11) Building. A structure having a roof supported by columns or walls and intended for housing, shelter, or enclosure of goods or persons.

(12) Building area. The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings.

(13) Building line. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

(14) Building permit. A permit required under the City of Lafayette Municipal Code prior to the commencement of certain types of construction.

(15) Commercial or industrial vehicles. Any vehicle with a minimum classification of seven (7), or weight of more than twenty-six thousand pounds (26,000 lbs), as classified by the Department of Transportation's Federal Highway Administration.

(16) Customary home occupation. An occupation, profession, activity or use having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

(17) Co-location. When one (1) or more antenna or transmitter is located on a single tower.

(18) Daycare center. A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than seven (7) children, including the children of the adult provider.

(19) Daycare home. A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than seven (7) children, including children of the adult provider.

(20) Developer. An individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land for himself or others.

(21) Development. Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

(22) Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy.

(a) Dwelling, single-family. A detached residence designed for or occupied by one (1) family only.

(b) Dwelling, two-family. A residence designed for or occupied by two (2) families only, with separate housekeeping, cooking, and sanitary facilities for each.

(c) Dwelling-multi-family. A residence designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and sanitary facilities for each. The term includes cooperative apartments, condominiums, and the like.

(23) Dwelling line. A room or rooms connected together constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy rental and/or lease, and containing cooking, living, sleeping, and sanitation facilities.

(24) Easement. A grant by a property owner to the public, a corporation or persons for use of land for specific purposes.

(25) FAA shall mean the Federal Aviation Administration.

(26) Family. One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

(27) FCC. Acronym for the Federal Communications Commission.

(28) Gross density. The ratio derived by dividing the number of dwellings by the gross site area.

(29) Gross site area. The total area of the site within the boundaries shown on a plat of survey and described by a legal description for the site.

(30) Group home. A residence operated by a public or private agency, which may provide a program of services in addition to room and board, which has continuous supervision. When appropriate Tennessee Code Annotated, § 13-24-102 shall apply.

(31) Height shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any other antenna.

(32) Height of building. The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line,

whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flagpoles, masts, or aerials.

(33) Lot. A piece, parcel, or plot of land in one (1) ownership which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required in this official zoning code. All lots shall front on and have access to a street.

(a) Lot, corner. A lot abutting on and at the intersection of two (2) or more streets.

(b) Lot depth. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(c) Lot frontage. The front of a lot shall be construed to be the portion nearest to the street.

(d) Lot line. The boundary dividing a given lot from a street, an alley, or adjacent lots.

(e) Lot of record. A lot which is part of a subdivision legally recorded in the office of the Macon County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(f) Lot width. The distance between the side boundaries of the lot measured at the front building line.

(34) Single-wide mobile home (house trailer). A detached one-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems

(b) Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer. It is to be tied down in accordance with applicable federal and state regulations.

(c) Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like. The unit is constructed in accordance with applicable federal and state regulations.

(d) Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

(35) Mobile home (trailer) park. A parcel of land under single ownership designed for or which is intended to be used for the accommodation of two (2) or more mobile homes (trailers) for dwelling purposes.

(36) Nonconforming use. A building, structure, or use of land existing at the time of enactment or amendment of this official zoning code, and which does not conform to the regulations of the zone in which it is located.

(37) Pre-existing towers and antennas shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this ordinance.

(38) Principle building. A building which contains the principal activity or use located on a lot which it is situated.

(39) Residence. A building or part of a building containing one (1) or more dwelling units, including one-family, two-family, or multi-family dwellings and mobile homes.

(40) Screening (see also buffer area). The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, hedges, shrubs, or other landscaping, berms or other features.

(41) Setback line. The required minimum horizontal distance between the building line and the related front, side or rear property line.

(42) Sign. An attached or freestanding structure conveying some information, knowledge or idea to the public.

(43) Special exception (use permitted on appeal). A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the City of Lafayette Board of Zoning Appeals.

(44) 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 shall be counted as a story if its ceiling is over six feet (6') above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

(45) Street. A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

(a) Centerline of street. That line surveyed and monumented as the centerline of the street by the City of Lafayette, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) Street line. The property line which bounds the right-of-way set aside for use as a street. For the purposes of measuring the lot line for setback requirements, the property line shall be considered no closer than

five feet (5') from the edge of pavement. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(46) Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, walls, fences, billboards, and ground signs.

(47) Long-term. A period of time constituting more than seventy-two (72) hours.

(48) Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, Personal Communications Service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, specialized mobile radio, paging, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes or uses as defined in § 14-504(10) of this official zoning code.

(49) Use. The specific purpose for which land or 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 nonconforming use.

(50) Variance. A variance is a relaxation of the terms of the official zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the official zoning code would result in unnecessary and undue hardship. As used in this official zoning code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

(51) Wireless communication antenna array (antenna array). One (1) or more rods, panels, or discs or similar devices used for the transmission or reception of Radio Frequency (RF) signals through electromagnetic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

(52) Wireless communication facility. An unstaffed facility for the transmission and/or reception of Radio Frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

(53) Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(a) Yard, front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

(b) Yard, rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

(c) Yard, side. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches. (1973 Code, § 11-204, as replaced by Ord. #679, Feb. 2016)

14-105. General provisions. For the purpose of this official zoning code there shall be certain general provisions which shall apply, except as specifically noted, to the municipality as a whole.

(1) 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 hereafter provided. Existing buildings and parking areas do not have to comply with this official zoning code unless they are modified or altered.

(2) Nonconforming lots and nonconforming use of land. Any nonconforming use which existed lawfully at the time of enactment of this official zoning code and which remains nonconforming and any use which shall become nonconforming upon enactment of this zoning code or any subsequent amendments thereto may be continued subject to the following provisions.

(a) Nonconforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this zoning code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this zoning code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the board of zoning appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership of record at the time of passage or amendment of this official zoning code, and if all or part of the lots do not meet the requirements for lot width and area as established by this official zoning code, the lands involved shall be considered to be an undivided parcel for the purposes of this official zoning code. No portion of said parcel shall be used or sold which does not meet lot width and area requirements of the zoning district in which it is located as established by this official zoning code. Nor shall any division of the parcel be made that leaves remaining any lot with width or area below the requirements of the applicable zoning district, as stated in this official zoning code.

(b) Change of nonconforming use. (i) General provisions. For the purpose of this official zoning code, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

(ii) Change to a conforming use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(iii) Change to another nonconforming use. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to 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 protect the area.

(c) Expansion of nonconforming uses. Nonconforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district and provided that it is done in accordance with the regulations specified in § 13-7-208, Tennessee Code Annotated. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning.

Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

(d) Destruction and restoration of nonconforming uses.

(i) Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in § 13-7-208, Tennessee Code Annotated.

(ii) Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of § 13-7-208, Tennessee Code Annotated, are followed.

(e) Discontinuance. When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

(3) Number of principal buildings on a lot. In all residential districts, only one (1) principal building and its customary accessory buildings shall be erected on any individual lot. This provision shall not apply to legally located multi-family dwellings nor legally located mobile home parks.

(4) Public street frontage. No building shall be erected on any residential lot which does not abut at least one (1) public street for at least fifty feet (50'), except on a permanent dead-end street (cul-de-sac) where the minimum public street frontage shall be thirty feet (30'). No building shall be erected on any nonresidential lot which does not abut at least one (1) public street for at least twenty-five feet (25').

(5) Rear yard abuts 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, center line of the street or property line as required for adjacent properties which front on that street.

(6) Reduction in 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 the official zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(7) Obstruction to vision at street intersection prohibited. On a corner lot within the area formed by the right-of-way lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such right-of-way lines at a distance of twenty-five feet (25') from the point of intersection, there shall be no obstruction to vision between their height of two feet (2') and a height of ten feet (10') above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

(8) There shall be no camping or overnight stays in the public parks and/or public recreational facilities of the City of LaFayette, Tennessee, absent a permit by the City of LaFayette. (1973 Code, 11-205, as replaced by Ord. #679, Feb. 2016, as amended by Ord. #767, Oct. 2020 *Ch4_06-01-21*)

14-106.-14-113. [Deleted]. (1973 Code, §§ 11-206–11-213, as deleted by Ord. #679, Feb. 2016)

CHAPTER 2

PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS

SECTION

14-201. Off-street automobile storage (parking).

14-202. Access control.

14-203. Off-street loading and unloading spaces.

14-201. Off-street automobile storage (parking). In all zoning districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the board of zoning appeals. Parking requirements determined herein by square footage are based on gross square feet. For uses resulting in a fractional requirement the fraction shall be rounded off to the higher whole number.

- (1) Minimum off-street parking requirements. (a) Residential uses.
 - (i) Two-family dwelling. Two (2) spaces per dwelling unit.
 - (ii) Multi-family dwelling. Two and one-half (2 1/2) spaces per dwelling unit.
 - (iii) Mobile home park. Two (2) spaces per dwelling unit.
 - (iv) Elderly housing. One and one-half (1 1/2) spaces per dwelling unit.
- (b) Public, semi-public and office facilities.
 - (i) Cemetery. Parking on private drives, plus one (1) space per employee.
 - (ii) Charitable, fraternal or social organization. One (1) space per four (4) persons to capacity.
 - (iii) Church or similar place of worship. One (1) space per four (4) seats to capacity.
 - (iv) Community center. One (1) space per two hundred fifty (250) square feet, plus one (1) space per employee.
 - (v) Day-care center. One (1) space per four (4) children, plus one (1) space per employee.
 - (vi) Funeral home/crematorium. One (1) space per four (4) seats to capacity.
 - (vii) Group home. One (1) space per bedroom or sleeping room.
 - (viii) Hospital. One (1) space per two (2) beds intended for patient use, plus one (1) space per employee on largest shift.

- (ix) Medical clinic for human care. Three (3) spaces per doctor, plus one (1) space per employee.
- (x) Nursing home. One (1) space per four (4) beds intended for patient use, plus one (1) space per employee.
- (xi) Office. One (1) space per three hundred (300) square feet.
- (xii) Postsecondary educational institution. One (1) space per five (5) students, plus one (1) space per employee.
- (xiii) Retirement center. One and one-half (1 1/2) spaces per dwelling unit.
- (xiv) School (K-12). K-9: One (1) space per classroom, plus one (1) space per employee; 9-12: One (1) space per four (4) students, plus one (1) space per employee.
- (xv) Temporary care facility. One (1) space per four (4) patients, plus one (1) space per employee.
- (c) Business and personal services.
 - (i) Appliance repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
 - (ii) Barber and beauty service. One (1) space per two hundred (200) square feet, plus one (1) space per employee.
 - (iii) Bed and breakfast. Three (3) spaces for the principal dwelling, plus one (1) space per rented room.
 - (iv) Coin-operated cleaning and laundry. One (1) space per two hundred (200) square feet.
 - (v) Convenience storage. One (1) space per one thousand (1,000) square feet.
 - (vi) Copy service. One (1) space per two hundred (200) square feet.
 - (vii) Dry cleaning and laundry pickup. One (1) space per two hundred (200) square feet.
 - (viii) Dry cleaning and laundry service. One (1) space per two hundred (200) square feet.
 - (ix) Electrical repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
 - (x) Employment agency. One (1) space per two hundred (200) square feet.
 - (xi) Equipment rental. One (1) space per two hundred (200) square feet, plus one (1) space per employee.
 - (xii) Exterminating service. One (1) space per five hundred (500) square feet.
 - (xiii) Financial service. One (1) space per two hundred (200) square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.

(xiv) Gunsmith. One (1) space per two hundred (200) square feet.

(xv) Hotel. One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.

(xvi) Industrial equipment repair. One (1) space per five hundred (500) square feet.

(xvii) Insurance agency. One (1) space per two hundred (200) square feet.

(xviii) Interior decorating. One (1) space per two hundred (200) square feet.

(xix) Legal service. One (1) space per two hundred (200) square feet.

(xx) Locksmith. One (1) space per two hundred (200) square feet.

(xxi) Motel. One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.

(xxii) Office equipment repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.

(xxiii) Photographic service. One (1) space per two hundred (200) square feet.

(xxiv) Real estate agency. One (1) space per two hundred (200) square feet.

(xxv) Self-service storage. Two (2) spaces, plus one (1) additional space per two hundred (200) storage cubicles, plus meeting the provision of § 14-504(5) of this official zoning code.

(xxvi) Shoe repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.

(xxvii) Small engine and motor repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.

(xxviii) Tailoring. One (1) space per two hundred (200) square feet.

(xxix) Taxidermist. One (1) space per three hundred (300) square feet.

(xxx) Upholstery service. One (1) space per two hundred (200) square feet.

(xxxi) Veterinary service (indoor). One (1) space per five hundred (500) square feet, plus one (1) space per employee.

(xxxii) Veterinary service (outdoor). One (1) space per one thousand (1,000) square feet, plus one (1) space per employee.

(xxxiii) For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.

(xxxiv) For developments, which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

(d) Retail and wholesale trade. (i) Agricultural supply. One (1) space per five hundred (500) square feet.

(ii) Apparel shop. One (1) space per two hundred (200) square feet.

(iii) Appliance sales. One (1) space per five hundred (500) square feet.

(iv) Automotive sales. One (1) space per five hundred (500) square feet, plus two (2) spaces per service bay.

(v) Automotive parts supply. One (1) space per three hundred (300) square feet.

(vi) Bakery (retail). One (1) space per two hundred (200) square feet.

(vii) Bakery (wholesale). Two (2) spaces per employee.

(viii) Bookstore. One (1) space per two hundred (200) square feet.

(ix) Building materials. One (1) space per two hundred (200) square feet, plus one (1) space per employee.

(x) Cabinet sales. One (1) space per five hundred (500) square feet.

(xi) Camera and photographic supply. One (1) space per two hundred (200) square feet.

(xii) Caterer. One (1) space per two hundred (200) square feet.

(xiii) Confectionery. One (1) space per two hundred (200) square feet.

(xiv) Department store. One (1) space per two hundred (200) square feet.

(xv) Drapery sales. One (1) space per five hundred (500) square feet.

(xvi) Drugstore. One (1) space per two hundred (200) square feet.

(xvii) Fertilizer sales (bulk). One (1) space per five hundred (500) square feet.

(xviii) Fertilizer sales (packaged). One (1) space per five hundred (500) square feet.

(xix) Florist (retail). One (1) space per two hundred (200) square feet.

(xx) Florist (wholesale). Two (2) spaces per employee.

(xxi) Fruit market. One (1) space per two hundred (200) square feet.

(xxii) Furniture sales. One (1) space per five hundred (500) square feet.

(xxiii) Gift shop. One (1) space per two hundred (200) square feet.

(xxiv) Grocery store. One (1) space per one hundred (100) square feet, plus one (1) space per two hundred (200) square feet of storage area.

(xxv) Handicrafts. One (1) space per five hundred (500) square feet.

(xxvi) Hardware. One (1) space per two hundred (200) square feet.

(xxvii) Heavy machinery sales. One (1) space per five hundred (500) square feet, plus one (1) space per employee.

(xxviii) Industrial supplies. One (1) space per five hundred (500) square feet, plus one (1) space per employee.

(xxix) Jewelry. One (1) space per two hundred (200) square feet.

(xxx) Marine supply. One (1) space per five hundred (500) square feet, plus one (1) space per employee.

(xxxi) Meat market. One (1) space per two hundred (200) square feet.

(xxxii) Mobile home sales. One (1) space per five hundred (500) square feet.

(xxxiii) Motorcycle sales. One (1) space per five hundred (500) square feet.

(xxxiv) Music store. One (1) space per two hundred (200) square feet.

(xxxv) Nursery and garden centers. One (1) space per two hundred (200) square feet, plus one (1) space per employee.

(xxxvi) Office supplies. One (1) space per two hundred (200) square feet.

(xxxvii) Optical goods. One (1) space per two hundred (200) square feet.

(xxxviii) Pet shop. One (1) space per three hundred (300) square feet.

(xxxix) Petroleum bulk sales and storage. One (1) space per five hundred (500) square feet, plus one (1) space per employee.

(xl) Restaurant. One (1) space per one hundred (100) square feet, plus one (1) space per employee based on the largest work shift.

(xli) Restaurant (drive-in). Two (2) spaces per three (3) seats to capacity.

(xlii) Restaurant (drive-through). Each drive-through lane shall have a stacking length to accommodate fifteen (15) vehicles,

plus one (1) space per employee based on the largest work shift, plus one (1) space per one hundred (100) square feet if on-site dining is also provided.

(xliii) Sporting goods. One (1) space per two hundred (200) square feet.

(xliv) Tavern. One (1) space per fifty (50) square feet, plus one (1) space per employee based on the largest work shift.

(xlv) Used merchandise (antiques). One (1) space per five hundred (500) square feet.

(xlvi) Used merchandise (flea market). One (1) space per rented area.

(xlvii) Used merchandise (general). One (1) space per five hundred (500) square feet.

(xlviii) Video rental. One (1) space per fifty (50) square feet, plus one (1) space per employee.

(xlix) For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.

(1) For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

(e) Automotive and transportation services. (i) Automotive paint shop. One (1) space per two hundred (200) square feet.

(ii) Automotive rentals. One (1) space per five hundred (500) square feet.

(iii) Automotive repair shop. One (1) space per two hundred (200) square feet.

(iv) Automotive tire repair. One (1) space per two hundred (200) square feet.

(v) Bus terminal. One (1) space per one hundred (100) square feet of waiting room area, plus one (1) space per vehicle used in the operation.

(vi) Car wash. Parking and waiting space equivalent to three (3) times the service capacity of the use.

(vii) Cold storage plant. One (1) space per employee based on the largest work shift.

(viii) Gasoline service station. Four (4) spaces per employee, plus one (1) space per gasoline pump.

(ix) Grain elevator. One (1) space per employee based on the largest work shift.

(x) Motorcycle repair. Two (2) spaces per employee.

(xi) Storage warehouse and yard. Two (2) spaces per employee.

(xii) Taxicab stand. One (1) space per employee, plus one (1) space per vehicle used in the operation.

(xiii) Transfer or storage terminal. One (1) space per employee based on the largest work shift.

(xiv) Travel agency. One (1) space per three hundred (300) square feet.

(xv) Trucking terminal. Two (2) spaces per employee, plus one (1) space per vehicle used in the operation.

(xvi) Wrecker service. One (1) space per employee, plus one (1) space per vehicle used in the operation.

(f) Amusement and recreational services. (i) Club or lodge. One (1) space per four (4) persons to capacity.

(ii) Private recreational facility. One (1) space per four (4) expected patrons at maximum capacity.

(iii) Indoor motion picture theater. One (1) space per three (3) seats to capacity.

(iv) Park and recreational services. One (1) space per four (4) expected patrons at maximum capacity.

(v) Stadium or coliseum. One (1) space per four (4) persons to capacity.

(vi) Transient amusement enterprises. One (1) space per four (4) expected patrons at maximum capacity.

(g) Manufacturing mining, construction and industrial uses.

All. One (1) space per employee based on the largest work shift, plus one (1) space per vehicle used in the operation.

(2) Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

(3) Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(4) Off-site parking. (a) If the vehicle parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is conducted, then the board of zoning appeals may approve the location of a portion of the parking required for a use on another site.

(b) Off-site parking shall be located within three hundred feet (300') of the use which it serves, measured as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance to the building or use which it serves.

(c) In determining whether to approve off-site parking, the board of zoning appeals shall consider all relevant factors, including:

(i) The location of the use and the proposed off-site parking.

(ii) Existing and potential parking demand created by other uses in the vicinity.

(iii) The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off-site parking.

(iv) Adequacy, convenience and safety of pedestrian access between the proposed off-site parking and the use.

(v) Traffic patterns on adjacent streets and proposed access to the off-site parking.

(d) A written agreement between the owner of the off-site parking area and the owner of the use assuring the continued availability and usability of off-site parking shall be submitted to the board of zoning appeals prior to approval of off-site parking.

(e) Handicapped parking spaces shall be provided on the same lot on which the principal use is conducted. Interior landscaped strips shall be planted with acceptable indigenous landscaping materials.

(5) Design requirements for parking spaces and lots. Parking spaces and lots shall be designed and constructed in accordance with the following minimum standards and requirements.

(a) Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress. When there are more than one (1) two-family residential building on one (1) lot, parking for any buildings except the first two-family residential units may not be located to require vehicles to back into a public street to obtain egress.

However, an exception is granted when more than one multi-family residence is constructed on one (1) lot zoned R-2, which has sufficient road frontage to allow single story residences to be constructed, with the front of the buildings adjacent to and parallel to the street. In this case, each residential unit may have a maximum of one (1) twenty-five foot (25') driveway. The vehicles may back directly into the public street providing the street is not a state highway or as major arterial street as defined in the City of Lafayette Subdivision Regulations. This arrangement should be limited to local streets. The clear distance between driveways shall not be less than thirty feet (30'). The provisions of § 14-202(2) of this official zoning code does not apply to this application.

(b) No parking space shall be of dimensions of less than ten feet (10') in width and twenty feet (20') in length.

(c) Ingress and egress points for all off-street parking lots shall comply with the access control requirements of § 14-202 of this official zoning code.

(d) Interior driveways leading to any parking area with the exception of a single family residential unit shall be a minimum of eighteen feet (18') wide and shall be surfaced with asphalt or concrete.

(e) All off-street commercial and industrial parking lots shall be surfaced with asphalt or concrete and be so constructed as to provide for adequate drainage and prevent the release of dust. Paving of off-street parking lots shall be required for all multi-family units that have four (4) or more vehicle parking spaces. The above parking spaces shall be complete with a period of nine (9) months. When the nine (9) months ends in the period of November 15 to February 28, an additional three (3) months may be allowed for the paving to be completed.

(f) Developers, contractors or owners shall have nine (9) months after a certificate of completion to install the required asphalt or concrete paving. After nine (9) months the codes director or his representative shall inspect the site to determine that the paving is complete. The codes director will send a letter to any owner that has not completed the required paving giving them sixty (60) days to complete the work. If this inspection is in November through February, the letter will give the owner sixty (60) days after April 1 to complete the work. A second registered letter will be sent to any owner that did not complete the work listed in the first letter stating that no additional building permits will be issued to the owner until the required paving is complete and that after and additional sixty (60) days if the paving is not completed, all city utilities will be turned off to that property.

(g) Grades within the paved area of a parking lot shall at no place be less than one percent (1%) nor more than five percent (5%). Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight percent (8%).

(h) Interior strips of a grass lawn or landscape strips containing a minimum width of five feet (5') in width shall be placed between any drive way and the side of any dwelling unit. A minimum of ten feet (10') of grass lawn or landscape strip shall be placed between a parking area and the front portion of multi-family residential units. A ten foot (10') strip of grass lawn or landscape strip shall be placed between a parking area and the building when the parking area is located at the rear of the building. There shall be ten feet (10') of grass lawn or landscape strip area between the edge of a public street and an off-street parking area located in the residential zones of R-1 and R-2. This ten foot (10') grass lawn or landscape strip area shall be measured from the edge of the street pavement, or from the edge of the sidewalk next to the house.

(i) It shall be the obligation of the owner(s) of each building, structure to maintain said landscape strips.

(j) Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property of streets.

(6) Special provisions for handicap parking. When required, parking spaces for the handicapped shall be provided in conformance with the provisions of the Americans with Disabilities Act (ADA) and/or other applicable federal or state law.

(7) Central business district exempted. The provisions of § 14-201 of this zoning code shall not apply to any building, structure or use located in the C-1 central business district provided, however, that any off-street parking and loading, if provided at the option of the owner of any building, structure or use, shall comply with the design requirements of this section. (1973 Code, § 11-301, as replaced by Ord. #679, Feb. 2016)

14-202. 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 for vehicles onto a street, excluding the necessary turning radius, shall not exceed twenty-five feet (25') in width in a residential district or thirty feet (30') in width in any other district. A point of access of forty feet (40') in width in a commercial or industrial district may be permitted by the board of zoning appeals in cases where a high volume of tractor trailer vehicular traffic is anticipated.

(2) There shall be no more than two (2) points of access to any one (1) public street for each four hundred feet (400') of lot frontage, or fraction thereof; provided, however, that lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

(3) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five feet (25').

(4) No point of access shall be allowed within thirty feet (30') of the right-of-way line of any public intersection.

(5) No curbs on city streets or rights-of-way shall be cut or altered without approval of the Lafayette Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

(6) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1973 Code, § 11-202, as amended by Ord. #638, April 2013, and replaced by Ord. #679, Feb. 2016)

14-203. Off-street loading and unloading requirements. In all districts, except the C-1 central commercial district, in which a structure of three thousand (3,000) square feet or more is located, which requires deliveries or shipments, off-street loading and unloading space shall be provided meeting the following requirements:

(1) Location. (a) Loading/unloading spaces shall be located on the same lot as the building or structure on which they serve.

(b) No loading/unloading space shall be located in any required front yard.

(c) All loading/unloading spaces shall have access to a public or private alley or if there is no alley, to a public street.

(2) Design standards and use. (a) Off-street loading/unloading berths for industrial or manufacturing uses shall be at least twelve feet (12') wide and at least fifty feet (50') long, exclusive of access or maneuvering space. For all other uses off-street loading/unloading berths shall be at least twelve feet (12') wide and at least thirty feet (30') long, exclusive of access or maneuvering space.

(b) A minimum of fifteen feet (15') overhead clearance and adequate means for ingress and egress shall be provided for off-street loading/unloading spaces.

(c) At no time shall part of a truck, van or other vehicle be allowed to extend onto a sidewalk, into the right-of-way or onto a public thoroughfare in order to deliver, load or unload goods.

(d) Off-street loading/unloading berths shall be marked and shall be paved with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.

(e) No off-street loading/unloading space shall be substituted for any parking space.

(3) Required number of loading and unloading spaces. Off-street loading and unloading spaces shall be based on gross floor area, excluding enclosed or covered areas used for loading and unloading, and the number of berths required shall be determined by the following table:

| Gross square feet of structure | Minimum number of berths required |
|--------------------------------|-----------------------------------|
| 3,000 - 10,000 | 1 |
| 10,000 - 25,000 | 2 |
| 25,001 - 90,000 | 3 |
| 90,001 - 155,000 | 4 |
| 155,001 - 240,000 | 5 |

| | |
|----------------------------|---|
| 240,001 - 325,000 | 6 |
| 325,001 - 410,000 | 7 |
| 410,001 - 500,000 | 8 |
| Each 100,000 above 500,000 | 1 |

(Ord. #536, May 2008, as replaced by Ord. #679, Feb. 2016)

CHAPTER 3

ZONING DISTRICTS AND MAP

SECTION

- 14-301. Establishment of districts.
- 14-302. Provision for official zoning map.
- 14-303. Replacement of official zoning map.
- 14-304. Rules for interpretation of district boundaries.
- 14-305. Annexation of territory.

14-301. Establishment of districts. For the purpose of this official zoning code, the City of Lafayette is hereby divided into zoning districts, as follows:

- R-1, low density residential district
- R-2, high density residential district
- C-1, central business district
- C-2, general business district
- I-1, light industrial district
- I-2, heavy industrial district
- M-1, mixed commercial-industrial district

(1973 Code, § 11-403, as replaced by Ord. #679, Feb. 2016)

14-302. Provision for official zoning map. (1) The boundaries of the above zoning districts are hereby established as shown on the map entitled, "official zoning map of the City of Lafayette, Tennessee," February 2, 2016, which is a part of the official zoning code and which is on file in the office of the City of Lafayette City Recorder.

(2) If, in accordance with the provisions of this official zoning code and §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map, promptly after the amendment has been approved by the Lafayette City Council, together with an entry on the official zoning map showing the date of such change.

(3) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this official zoning code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this code and punishable as provided under § 14-610 of this official zoning code.

(4) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Lafayette City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other

structures in the municipality. (1973 Code, § 11-402, as replaced by Ord. #679, Feb. 2016)

14-303. Replacement of official zoning map. 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 Lafayette City Council may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the original official zoning code or any subsequent amendment thereof.

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment. (1973 Code, § 14-303, as replaced by Ord. #679, Feb. 2016)

14-304. Rules for interpretation of district boundaries. (1) District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the centerline of streets or alleys, midway between railroad tracks, the centerlines of streams, rivers or other bodies of water, or the corporate limit lines, as they exist at the time of the enactment of this official zoning code.

(2) Where a district boundary divides a lot existing at the time this official zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty feet (20') within the more restricted district.

(3) Any questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals. (as added by Ord. #679, Feb. 2016)

14-305. Annexation of territory. (1) All territory which may hereafter be annexed to the City of Lafayette shall be considered by the planning commission and assigned an appropriate zoning classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits. If a zoning classification is not assigned to a territory at the time of annexation, such territory shall be considered to be in the R-1 low density residential district until otherwise classified.

(2) Annexed territory and the subsequent zoning of such territory shall be reflected on the official zoning map of City of Lafayette, Tennessee, in the manner described in § 14-302 of this official zoning code. (as added by Ord. #679, Feb. 2016)

CHAPTER 4

SPECIFIC DISTRICT REGULATIONS

SECTION

- 14-401. R-1 low density residential district.
- 14-402. R-2 high density residential district.
- 14-403. C-1 central business district.
- 14-404. C-2 general business district.
- 14-405. I-1 light industrial district.
- 14-406. I-2 heavy industrial district.
- 14-407. M-1 mixed-commercial industrial district.

14-401. R-1 low density residential district. The purpose of the R-1 district is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities. Within the R-1 low density residential district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Single-family detached dwellings, with a minimum of one thousand (1,000) square feet of heated living space including exterior walls. Mobile homes are excluded.

(b) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of § 14-504(4) of this official zoning code), gazebos and the like.

(c) Television, radio, and satellite dish antennas when in compliance with conditions specified in § 14-504(10) of this official zoning code.

(d) Public utilities such as water, sewer, gas, electric, cable TV, and telephone, but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(e) Municipal fire or police substations subject to the following conditions:

(i) Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one hundred fifty feet (150').

(ii) They shall be located on an arterial or collector street only.

(iii) Such facilities shall be set back a minimum of fifty feet (50') from all lot lines.

(iv) Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all lot lines adjoining residential properties.

(v) Off-street parking shall be provided for all anticipated equipment, employees, and visitors.

(f) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Two-family dwellings (duplexes). A two-family dwelling if approved by the board of zoning appeals must be located on a lot that has a minimum area of thirty thousand (30,000) square feet.

(b) Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

(i) Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.

(ii) Signs associated with bed and breakfast establishments shall meet the requirements of § 14-509 of this official zoning code.

(c) Accessory apartments meeting the following conditions:

(i) Only one (1) accessory apartment per single-family dwelling shall be permitted.

(ii) The accessory apartment shall be located within or connected to the single-family dwelling and shall be a clearly subordinate part thereof.

(iii) The accessory apartment shall not exceed twenty-five percent (25%) of the gross floor area of the principal dwelling; shall not be larger than eight hundred (800) square feet; and shall not contain more than two (2) bedrooms.

(iv) The principal dwelling shall be owner-occupied.

(v) All exterior entrances to the accessory apartment shall be made from the rear or side of the principal dwelling.

(vi) Two (2) additional off-street parking spaces shall be provided.

(vii) The accessory apartment shall conform to all applicable housing and building codes.

(viii) A floor plan and site plan depicting all proposed changes to the single-family dwelling shall be submitted if required by the Lafayette Building Inspector.

(d) Churches and other places of worship provided that the conditions specified in § 14-504(7) of this official zoning code are complied with.

(e) Schools offering general education courses provided that the conditions specified in § 14-504(8) of this official zoning code are complied with.

(f) Public parks and public recreational facilities.

(g) Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in § 14-504(9) of this official zoning code are complied with.

(h) Customary home occupations provided that the conditions specified in § 14-504(3) of this official zoning code are complied with.

(i) Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(i) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(ii) Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along edges of portions of such lots adjoining residential districts as the board of zoning appeals may direct.

(iii) The design requirements for parking spaces and lots in § 14-201(5) of this official zoning code shall be complied with.

(iv) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(v) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board of zoning appeals may impose greater limitations.

(vi) There shall be no sales or service activity on such lots.

(3) Uses prohibited. (a) Mobile homes on individual lots; mobile home parks; and multi-family dwellings.

(b) Storage or long-term parking of commercial or industrial vehicles.

(c) Commercial and industrial uses.

(d) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land developments.

(e) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum lot area
 - (i) Minimum lot area with sewer 12,000 sq. ft.
 - (ii) Minimum lot area without sewer . . . 20,000 sq. ft.
 - (iii) Minimum lot area without sewer or water . 2 acres
 - (iv) Churches and other non-residential buildings (plus off-street parking) . . . 20,000 sq. ft.
- (b) Minimum lot width at front building line (for residences and other permitted uses) 100 ft.
- (c) Minimum depth of front yard (from ROW) 30 ft.
- (d) Side yards
 - (i) One or two story building 15 ft.
 - (ii) Three story building 20 ft.
 - (iii) Churches or other permitted non-residence buildings 30 ft.

The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located. Side yard accessory buildings shall also comply with this setback from the intersecting street.

(e) Rear yards 30 ft.

(5) Location of accessory buildings. Accessory buildings shall meet the following provisions:

- (a) No accessory building shall be erected or placed forward of the principal structure or building.
- (b) Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard, or exceed one thousand five hundred (1,500) square feet in size.
- (c) Minimum setback from other buildings 15 ft. and for above ground or in ground swimming pools from other buildings 5 ft.
- (d) Minimum setback from all lot lines 5 ft.
- (e) Minimum setback for street side corner lot 25 ft.
- (f) Maximum height 2 stories or 30 ft.

(6) Maximum building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five percent (25%) of the total area of such lot.

(7) Parking requirements. Uses in the R-1 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the R-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Maximum building height. No structure in the R-1 district shall exceed thirty-five feet (35') or three (3) stories in building height, and shall be subject to meeting all applicable fire code standards.

(10) Sign requirements. No billboards or similar off-premise advertising structures are allowed in the R-1 district; all other signs and similar advertising structures shall conform with the provisions of § 14-509 of the official zoning code. (1973 Code, § 11-501, as replaced by Ord. #679, Feb. 2016, and amended by Ord. #728, Oct. 2018 *Ch3_03-05-19*)

14-402. R-2 high density residential district. The purpose of the R-2 district is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 high density residential district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Single-family detached and multi-family dwellings (with a minimum of six hundred and fifty feet (650') square feet of heated space per unit).

(b) Accessory apartments for single-family detached dwellings when in conformance with the provisions of § 14-401(2)(c) of this official zoning code.

(c) Multi-family dwellings and apartments; provided an application and site plan as required in § 14-502(1) of this official zoning code are submitted to and approved by the building inspector and provided the development standards required in § 14-502(2) of this official zoning code are complied with.

(d) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, and swimming pools (subject to the provisions of § 14-504(4) of this official zoning code) and the like.

(e) Television, radio, and satellite dish antennas when in compliance with the provisions of § 14-504(10) of this official zoning code.

(f) Public utilities such as water, sewer, gas, electric, cable TV, and telephone, but limited to those facilities necessary to serve the immediate neighborhood, and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(g) Municipal uses such as fire or police substations provided that the conditions specified in § 14-401(1)(e) of this official zoning code are complied with.

(h) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(i) Elderly housing and residential homes for the aged provided the application and site plan requirements and development standards for multi-family dwellings as specified in § 14-502(1) of this official zoning code are complied with, provided the minimum lot requirements for multi-family dwellings as specified in § 14-502(2)(b) of this official zoning code are complied with, and provided the parking requirements of § 14-201(1)(a)(ii) of this official zoning code are complied with.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards to protect the character of the neighborhood, the board of zoning appeals may permit as special exceptions:

(a) Mobile home parks subject to meeting the requirements and standards of § 14-503 of the official zoning code.

(b) Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

(i) Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.

(ii) Signs associated with bed and breakfast establishments shall meet the requirements of § 14-509 of the official zoning code.

(c) Churches and other places of worship provided that the conditions specified in § 14-504(7) of this official zoning code are complied with.

(d) Schools offering general education courses provided that the conditions specified in § 14-504(8) of this official zoning code are complied with.

(e) Public parks and public recreational facilities.

(f) Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in § 14-504(9) of this official zoning code are complied with.

(g) Customary home occupations provided that the conditions specified in § 14-504(3) of this official zoning code are complied with.

(3) Uses prohibited. (a) Storage or long-term parking of commercial or industrial vehicles.

(b) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land development.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lots area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

(a) Minimum lot area

(i) Minimum lot area for single unit with sewer 6,000 sq. ft.

(ii) Minimum lot area for single unit without sewer 20,000 sq. ft.

(iii) Two-family unit (with sewer) 9,000 sq. ft.

(iv) For three or more units:
 12,000 sq. ft. for the third unit
 18,000 sq. ft. for the fourth unit
 3,000 sq. ft. for each unit after.

(v) Churches and other non-residential dwellings (plus off-street parking) . . . 20,000 sq. ft.

(b) Minimum lot width at building line:

(i) For residential uses 60 ft.

(ii) For other permitted uses 100 ft.

(c) Front yards 30 ft.

A minimum of ten feet (10') in depth of the front yard directly in front of a multi-family residential unit shall be maintained as a grass lawn and/or shrubs. No part of this area shall be used for a parking area or driveway.

(d) Side yards:

(i) Single and two-story buildings (interior) 15 ft.

(ii) Three-story buildings (interior) 20 ft.

(e) Rear yards 20 ft.

When two (2) or more principal buildings are located on one (1) lot, each building shall have a rear yard of a minimum of twenty feet (20') in depth and the width of the building located directly behind the building. This portion of the rear yard may be grass or a combination of grass and shrubs. No part of this portion of the rear yard may be used for a parking space or driveway.

(f) Distance between principal buildings on a lot. There shall be a minimum of thirty feet (30') between all principal buildings on a lot. The requirements of front yard, side yard, rear yard, parking spaces and access driveway may dictate that buildings shall be space more than thirty feet (30') apart.

(g) Owners, designers and developers shall consider all of the above minimum requirements when deciding the number of multi-family units that may be located on a single lot.

(5) Location of accessory buildings. Accessory buildings shall meet the following provisions:

(a) No accessory building shall be erected or placed forward of the principal structure or building.

(b) Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard, or exceed one thousand five hundred (1,500) sq. feet. in size.

(c) Minimum setback from other buildings 10 ft.
and for above ground or in ground swimming
pools from other buildings 5 ft.

(d) Minimum setback from all lot lines 5 ft.

(e) Minimum setback for street side corner lots 35 ft.

(f) Minimum setback from alleyways 2 ft.

(g) Maximum height 2 stories or 30 ft.

(6) Maximum building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot.

(7) Parking requirements. Uses in the R-2 district shall conform with the provisions of § 14-301 of this official zoning code.

(8) Access requirements. Uses in the R-2 district shall conform with the provisions of § 14-302 of this official zoning code.

(9) Maximum building height. No structure in the R-2 district shall exceed fifty feet (50') or four (4) stories in building height, and shall be subject to meeting all applicable fire code standards.

(10) Sign requirements. No billboards or similar off-premise advertising structures are allowed in the R-2 district, all other signs or similar advertising structures shall conform with the provisions of § 14-509 of the official zoning code.

(11) Plot plan or site plan requirements. All developments in the R-2 district requiring building permits, shall conform with the applicable plot plan requirements in § 14-604 of this official zoning code or site plan requirements in § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016, and amended by Ord. #729, Oct. 2018 **Ch3_03-05-19**)

14-403. C-1 central business district. The purpose of the C-1 district is to provide an area for the conduct of community and municipal retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of a similar nature.

Within the C-1 central business district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Business and personal services but limited to the following types of establishments: Appliance repair, barber and beauty shops, coin operated cleaning and laundry, copy service, day care centers, dry cleaning and laundry pickup, employment agency, financial service, fitness center and spa, insurance agency, interior decorating, legal service, locksmith, office equipment repair, photographic service, real estate agency, shoe repair, tanning facilities, tailoring, travel agencies and similar uses.

(b) Retail trade but limited to the following types of establishments: Antique shop, apparel shop, appliance shop, bakery-retail, non-pornographic book store, camera and photographic supply, caterer, confectionery, drapery sales, drug store, electronic shop, florist-retail, fruit market, furniture-retail, gift shop, grocery store-retail, handicrafts, hardware, jewelry, meat market, music store, office supplies, optical goods, restaurant, sporting goods, video sales and rental, and similar uses.

(c) Professional offices for doctors, dentists, lawyers, architects, accountants, artists, engineers and the like.

(d) Federal, state, county and municipal uses except outside storage areas.

(e) Public and semi-public uses; but limited to the following types of establishments: Church or similar place of worship, charitable, fraternal or social organization.

(f) Off-street parking lots meeting the design requirements of § 14-201(5) of this official zoning code.

(g) Amusement and recreational services; but limited to the following types of establishments: Club or lodge, indoor theater, public parks, and private recreational facility.

(h) Accessory structures and uses incidental and subordinate to the principal structure.

(i) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Single- or multi-family apartments and mixed commercial/multi-family apartments (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:

(i) A minimum square footage per dwelling unit of six hundred fifty (650) sq. ft. for a one (1) bedroom unit, eight hundred

(800) sq. ft. for a two (2) bedroom unit, and one thousand (1000) sq. ft. for a three (3) bedroom unit shall be provided.

(ii) All municipal building and fire codes shall be adhered to.

(iii) All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-2 high density residential district.

(b) Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

(i) The manufacturing area shall not occupy more than forty percent (40%) of the floor area.

(ii) No more than five (5) operators shall be employed.

(iii) All municipal building and fire codes shall be adhered to.

(c) Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

(i) Shall be in conformance with the provisions of § 14-501 of this official zoning code.

(ii) Shall not be located on public street of a classification of less than major collector status.

(iii) Shall be in conformance with the provisions of § 14-504(6) of this official zoning code.

(3) Uses prohibited. (a) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land developments.

(b) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures hereafter constructed in the C-1 district shall be located so as to comply with the following requirements:

(a) On corner lots in the C-1 district, no obstruction to vision shall hereafter be placed or erected in such a manner as to materially impede visibility between a height of two feet (2') and ten feet (10') above the grades of the intersecting streets at their point of intersection in an area defined by the street lines adjoining said corner lot and a line joining points along said street lines twenty-five feet (25') from the point of intersection.

(b) Unless otherwise provided or required to meet other provisions, such as § 14-403(4), no front, rear or side yard setback is required in the C-1 district, nor is there any minimum lot area requirement.

(c) On lots adjacent to a residential district, all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

(5) Maximum building area. None except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjacent residential lot, the owner of the commercial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.

(7) Parking requirements. None unless required under other provisions.

(8) Access requirements. Uses in the C-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(10) Sign requirements. All signs and similar advertising structures in the C-1 district shall conform with the provisions of § 14-509 of this official zoning code.

(11) Site plan review requirements. Uses in the C-1 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

14-404. C-2 general business district. The purpose of the C-2 district is to provide an area for the conduct of community and municipal retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automobile traffic. It is intended that such areas have properties of sufficient size so that activities performed thereon will not interfere with traffic circulation.

Within the C-2 general business district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Business and personal services; all those permitted in the C-2 central business district and including the following types of establishments: Dry cleaning and laundry service, electrical repair, equipment rental, exterminating service, gunsmith, hotel and motels, small engine and motor repair, upholstery service, veterinary service-indoor, and similar uses.

(b) Retail and wholesale trade; all those permitted in the C-2 central business district and including the following types of establishments: Automotive parts store, building materials, cabinet sales, department store, fertilizer sales-packaged, florist-wholesale, furniture sales, motorcycle sales, nursery and garden centers-retail, pet shop, restaurant-drive-in, and similar uses.

(c) Public and semi-public uses, including the following types of establishments: Cemetery (subject to the provisions of § 14-504(2) of

this official zoning code), charitable, fraternal or social organization, church or similar place of worship, (when in compliance with the conditions specified in § 14-504(7) of this official zoning code), community center, daycare center, funeral home, general office buildings, group homes, hospital, medical clinic, nursing home, schools, (when in compliance with the conditions specified in § 14-504(8) of this official zoning code), retirement center, temporary care facility and similar uses.

(d) Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.

(e) Federal, state, county and municipal uses.

(f) Automotive and transportation services, limited to the following types of establishments: Automotive tire sales and tire repair, car wash, gasoline station (with no above ground storage of flammable material in excess of five hundred (500) gallons and subject to the provisions of § 14-504(1) and § 14-504(6) of this official zoning code), off-street parking lots (meeting the design requirements of § 14-201(5) of this official zoning code), taxicab stand, and similar uses.

(g) Amusement and recreational services; all those permitted in the C-1 central business district and including the following types of establishments: health and physical fitness clubs.

(h) Light manufacturing; limited to the following types of establishments: Commercial printing, laboratories, optical instruments and lenses, and similar uses.

(i) Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

(i) The manufacturing area shall not occupy more than forty-nine percent (49%) of the floor area.

(ii) No more than ten (10) operators shall be employed.

(j) Newspaper, radio and television stations.

(k) Accessory structures and uses incidental and subordinate to the principal structure.

(l) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Multi-family residential provided the following conditions are complied with:

(i) The minimum lot area, width and yard requirements as required in the R-2 high density residential district of this official zoning code shall be complied with.

(ii) The off-street parking requirements of § 14-201 of this official zoning code shall be complied with.

(iii) The required standards of § 14-502 of this official zoning code shall be complied with.

(b) Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall not be located on public street of a classification of less than major collector status.

(iii) Shall be in conformance with the provisions of § 14-404(6) of this official zoning code.

(c) Automobile repair shops provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall be in conformance with the provisions of § 14-404(6) of this official zoning code.

(d) Agriculture supply provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) No milling, grinding or mixing of materials shall be permitted.

(iii) No feed lots or stockyards shall be permitted.

(e) Self-service storage facilities (mini-warehouses) provided the following conditions are complied with:

(i) The sale or auction of any item at a self-service storage facility by the lessee is specifically prohibited.

(ii) Shall not be located on public street of a classification of less than major collector status.

(iii) The standards of § 14-504(5) of this official zoning code shall be complied with.

(f) Marine supply, including boat sales and service, provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall not be located on public streets of a classification of less than major collector status.

(iii) Shall be in conformance with the provisions of § 14-504(6) of this official zoning code.

(3) Uses prohibited. (a) Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of § 14-504(6) of this official zoning code.

(b) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the C-2 district shall be located so as to comply with the following requirements:

(a) Minimum lot requirements---None except as necessary to meet all other requirements.

(b) Minimum depth of front yard 30 ft.

(c) Minimum depth of rear yard 20 ft.

(d) Minimum side yard on one side 15 ft.

(e) Minimum side yard for street side corner lots 30 ft.

(f) On lots adjacent to a residential district all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

(5) Maximum building area. None except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjacent residential lot the owner of the commercial lot shall provide semi-opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the C-2 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the C-2 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the C-2 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other such structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the C-2 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the C-2 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

14-405. I-1 light industrial district. The purpose of the I-1 district is to provide an area in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that uses shall be restricted to activities that are

safe and not a nuisance due to dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding areas.

Within the I-1, light industrial district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Light industrial and manufacturing uses; all those permitted in the C-2 district and including the following types of establishments: apparel, appliance assembly, bakeries, beverage products, bottling machinery, dairy products, electronic devices and instruments, engineering, medical, and scientific instruments, excelsior, food products, furniture, glass and glassware, ice plant, industrial laundries, insulation products, jewelry products, laboratories, machine assembly, metal working machinery, motor vehicle and equipment assembly, musical instruments, office and computer equipment, optical instruments and lenses, paper products, pharmaceuticals, plastic products assembly, boat manufacturing and repair, sign manufacturing, textiles, textile machinery, tobacco products, toys, amusements, sporting and athletic goods, upholstering, watches and clocks, welding, and wood products, provided that any industrial or manufacturing use that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure or disturb adjoining properties.

(b) General office buildings.

(c) Vocational learning and training centers, trade schools.

(d) Day care facilities when located in connection with and on the same premises as permitted, principal uses and when used solely for the care of dependents of employees of said principal use.

(e) Gasoline service stations, (meeting the provisions of §§ 14-504(1) and (6) of this official zoning code) automobile tire repair, motorcycle repair.

(f) General contractors and specialty contractors.

(g) Building materials and supplies.

(h) Transfer or storage terminal, truck terminal and freight handling, packing and crating services.

(i) Nursery-wholesale.

(j) Restaurants when primarily intended to serve the needs of the industrial community.

(k) Industrial machinery and supplies sales, heavy equipment sales.

(l) Warehousing, cold storage plant, distribution center, self-service storage facilities (meeting the provisions of § 14-504(5) of this official zoning code).

(m) Veterinarian hospitals and kennels.

- (n) Agriculture supplies and equipment sales and repairs.
- (o) Public utility structures, fire and police stations.
- (p) Adult-oriented businesses.
- (q) Accessory uses and structures.
- (r) Temporary structures, subject to the provisions of § 14-508

of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Day care center provided that the following conditions are complied with:

(i) Shall meet the minimum standards established by the Tennessee Department of Human Services.

(ii) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four feet (4') on all sides.

(b) Public parks and public recreational facilities meeting the following conditions:

(i) A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty feet (50') at the building setback line shall be provided.

(ii) The minimum depth of the front yard shall be thirty-five feet (35') and the minimum depth of the side and rear yards shall be twenty-five feet (25'). The minimum side yard on the street side of corner lots shall be thirty-five feet (35').

(iii) The maximum lot coverage for all enclosed buildings shall be ten percent (10%).

(c) Petroleum products dealers and wholesalers provided that the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall be in conformance with all federal, state or local environmental, fire, safety or other applicable codes or laws.

(iii) Above ground storage of flammable materials shall be a minimum of one hundred feet (100') from all property lines.

(d) Outside storage of materials provided that the following conditions are complied with:

(i) Shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(ii) Shall be located in the rear yard only.

(iii) Shall be located on the same property as the principal use.

(3) Uses prohibited. (a) Outside storage of unscreened materials.

(b) Any use determined by the building inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of

odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-1 district.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the I-1 district shall be located so as to comply with the following requirements:

(a) Minimum lot requirements.....None except as necessary to meet all other requirements.

(b) Minimum depth of front yard 30 ft.

(c) Minimum depth of rear yard 20 ft.

(d) Minimum depth of side yard each side 20 ft.

(e) On lots adjacent to a residential district, all rear and side-yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided.

(5) Maximum building area. None, except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the I-1 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the I-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the I-1 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the I-1 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the I-1 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

14-406. I-2 heavy industrial district. The purpose of the I-2 district is to provide an area in which the principal use of land is for heavy manufacturing and assembly plants and processing. It is the intent of this

district to provide an area for industrial activities of an intensive nature which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics requiring locations relatively well segregated from non-industrial uses.

Within the I-2, heavy industrial district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Light industrial and manufacturing uses: all those permitted in the I-1 light industrial district and subject to the same conditions or provisions, if any.

(b) Gasoline service stations (meeting the provisions of §§ 14-504(1) and (6) of this official zoning code), automobile tire repair, motorcycle repair.

(c) General contractors and specialty contractors; building materials and supplies.

(d) Transfer or storage terminal, truck terminal and freight handling, packing and crating services.

(e) Warehousing, cold storage plant, storage yard, distribution center, self-service storage facilities (meeting the provisions of § 14-504(5) of this official zoning code).

(f) Industrial machinery and supplies sales, heavy equipment sales.

(g) Nursery-wholesale.

(h) Veterinarian hospitals and kennels.

(i) Agriculture supplies and equipment sales and repairs.

(j) Public utility structures, fire and police stations.

(k) Accessory uses and structures.

(l) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(m) Day care facilities when located in connection with and on the same premises as permitted principal uses and when used solely for the care of dependents of employees of said principal use.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Extensive and heavy industrial and manufacturing uses; but limited to the following uses: abrasive products; asphaltic cement plants; cement and/or concrete plants; chemical and allied products; clay, pottery, terra cotta and tile products; grain milling; junkyards, hard surface floor coverings, kiln drying operations; leather goods, machine shop, paints and allied products; paper and allied products; petroleum products dealers and wholesalers, rubber and miscellaneous plastic products; saw mills; slaughtering of animals; provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall not have an adverse affect on any surrounding properties.

(iii) All federal, state or other permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.

(iv) Access shall be provided only from streets of a classification of no less than minor arterial classification or an industrial access road from a minor arterial.

(v) Outside storage shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(b) Day care centers provided that the following conditions are complied with:

(i) Shall meet the minimum standards established by the Tennessee Department of Human Services.

(ii) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four feet (4') on all sides.

(c) Outside storage of materials provided that the following conditions are complied with:

(i) Shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(ii) Shall be located in the rear yard only.

(iii) Shall be located on the same property as the principal use.

(3) Uses prohibited. (a) Outside storage of unscreened materials.

(b) Any use determined by the building inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-2 district.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the I-2 district shall be located so as to comply with the following requirements.

(a) Minimum lot requirements.....None except as necessary to meet all other requirements.

(b) Minimum depth of front yard 50 ft.

(c) Minimum depth of rear yard 50 ft.

(d) Minimum depth of side yard each side 50 ft.

(5) Maximum building area. None, except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjoining residential lot, the owner of the industrial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the I-2 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the I-2 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the I-2 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the I-2 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the I-2 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

14-407. M-1 mixed-commercial industrial district. The purpose of the M-1 district is to accommodate mixture of compatible commercial and light industrial developments. This district shall generally be located where permitted developments have direct access to highways and streets of at least major collector classification.

Within the M-1 district, the following regulations shall apply:

(1) Permitted uses. (a) Retail, service related, and other commercial establishments intended to serve the general population of the city, the county, and travelers. Examples of such establishments include shopping centers, malls, hotels and motels, restaurants (including drive-throughs), banks and other financial institutions, and general warehousing.

(b) General and professional offices, office buildings, and office parks.

(c) Automotive and transportation services meeting the requirements of §§ 14-504(1) and (6) of this official zoning code), new and used automobile sales, automobile rental and leasing, automobile paint and body repair, automobile mechanical repair, bus terminal, truck sales, motorcycle sales, motor home sales, car wash and truck terminals.

(d) Mobile home and modular home sales.

(e) Wholesalers including those permitted in C-2 general commercial district.

(f) Self-service storage facilities (mini-warehouses) meeting the conditions of § 14-504(5) of this official zoning code.

(g) Light industrial establishments for the manufacture, processing, and assembly of goods and materials whose external effects are restricted to the site and have no detrimental effect on the surrounding area. Examples of such establishments include: appliances, book binding, cabinetry, candy and confectionary, clothing and shoes, computers and software, cultured marble, dry cleaning, electrical and electronic equipment, industrial laundry, machine shops, medical equipment, newspaper and publishing, office equipment office furniture, optical instruments and lens, plastic products portable buildings, sporting goods, and welding.

(h) General contractors and specialty contractors, building materials and supplies, portable building and storage building sales.

(i) Wireless communication tower structures and antenna arrays when in compliance with the provisions of § 14-504(11) of this official zoning code.

(j) Billboards and similar off-premise signs meeting the requirements of § 14-509 of this official zoning code.

(k) Municipal, county, state, and federal uses.

(l) Technical and vocational schools, barber and beauty school.

(m) Churches and similar places of worship meeting the requirements of § 14-504(7) of this zoning code.

(n) Private recreational and amusement establishments including bowling alley, skating rink, taverns, and nightclubs.

(o) Public and semi-public uses including public parks and public recreational facilities, theaters, auditoriums, and other places of public assembly.

(p) Temporary structures and operations subject to the provisions of § 14-508 of this official zoning code.

(q) Accessory structures and uses provided the following conditions are complied with:

(i) Shall be customarily and clearly incidental and subordinate to permitted principal uses and structures.

(ii) Shall be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

(iii) Shall comply with all other applicable requirements of this zoning code.

(r) Outdoor display and sales areas meeting applicable conditions of the zoning code.

(s) Establishments for the manufacture and assembly of goods and materials, that by their nature, do not create serious problems of compatibility with other land uses, and shall include automobile

manufacturers, and automobile component, parts and supplies manufacturers.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Childcare centers when meeting the following conditions:

(i) Shall be located in connection with and on the same premises as principal uses permitted within this district, said facilities being solely for the care of dependents of employees of said principal use.

(ii) Shall meet the provisions all applicable state regulations.

(b) Multi-purpose facilities which furnish ancillary services such as vocational and safety training, and daycare, if, and only if, such facilities are owned and operated by a partnership, cooperative, or other association of industrial uses exclusively for the employees of its members.

(c) Outdoor storage of goods and materials when located to the rear of the principal structure facing a street or to the side of the principal structure of a type screen as specified in § 14-501 of the zoning code is provided, and when complying with all minimum yard requirements.

(d) Accessory dwellings units on the same premise and in connection with permitted principal uses and structures when meeting the following requirements:

(i) Shall be for the occupancy by the owner(s) or employees.

(ii) Off-street parking for each dwelling unit shall be provided so as to meet the requirements of § 14-201(1) of this zoning code.

(iii) A minimum square footage per dwelling unit of six hundred and fifty (650) square feet for a one (1) bedroom unit, eight hundred (800) square feet for a two (2) bedroom unit, and one thousand (1,000) square feet for a three (3) bedroom unit shall be provided.

(iv) All municipal building and fire codes shall be adhered to.

(v) No more than two (2) accessory dwelling units shall be permitted.

(3) Uses prohibited. (a) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. (a) Minimum lot area:

(i) If sewer is available.....NONE except to meet the requirements herein.

(ii) If sewer is not available 20,000 square feet.

(b) Minimum depth of all yards on Major Streets 50 ft.

(c) Minimum depth of front yards 30 ft.

(d) Minimum depth if rear yard 20 ft.

(e) Minimum width of side yards on corner lots 40 ft.

(5) Maximum building area. None, except as required to meet the regulations herein.

(6) Parking requirements. Uses in the M-1 mixed commercial-industrial district shall conform with the provisions of § 14-201 of the official zoning code.

(7) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other such structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(8) Sign requirements. Shall conform with the provisions of § 14-509 of this zoning code.

(9) Plot plan or site plan requirements. All development in the M-1 mixed commercial-industrial district requiring building permits shall conform to the applicable plot and site plan requirements in §§ 14-504 and 14-505 of this official zoning code. (as added by Ord. #679, Feb. 2016)

CHAPTER 5**SUPPLEMENTARY REGULATIONS**¹**SECTION**

- 14-501. Screening requirements.
- 14-502. Multi-family housing.
- 14-503. Mobile home parks.
- 14-504. Special standards for certain uses.
- 14-505. Parking, storage, and use of major recreational equipment, vehicles and trucks.
- 14-506. Fences, walls, and hedges.
- 14-507. Front yard setback line exemptions.
- 14-508. Temporary structures.
- 15-509. General sign regulations.

14-501. Screening requirements. The following regulations shall apply for all uses requiring screening.

(1) Plan required. For all uses requiring screening, a plan for such shall be submitted with the required site plan.

(2) Description of screens. (a) Opaque screen. A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The portion of intermittent visual obstructions may contain deciduous plants.

¹For the purpose of the official zoning code these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

Suggested planting patterns that will achieve this standard are depicted on Illustration 1.¹

(b) **Semi-opaque screen.** A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 2.²

(c) **Broken screen.** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns achieving this standard are depicted on Illustration 3.³

(3) **Standards for screening materials.** (a) When fences or walls are utilized in screening, they shall be constructed of materials compatible with the principal building.

(b) When earthen berms are utilized in screening, they shall be seeded and/or sodded.

(c) Trees and shrubbery shall be of a species common to Lafayette shall be hardy, and proper care shall be taken in planting.

(4) **Maintenance of screening.** (a) It shall be the obligation of the owner(s) of each building, structure or use on whose premises required screening is located to maintain said screening.

¹Illustration 1 is of record in the recorder's office. (See Ordinance 679)

²Illustration 2 is of record in the recorder's office. (See Ordinance 679)

³Illustration 3 is of record in the recorder's office. (See Ordinance 679)

(b) Failure to properly maintain required screening shall be a violation of this official zoning code, punishable as a misdemeanor or under the provisions of the City of Lafayette Municipal Code. (1973 Code, § 11-601, as replaced by Ord. #679, Feb. 2016)

14-502. Multi-family housing. (1) Application and site plan required. To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two (2) or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than one inch equals fifty feet (1" = 50') setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

(2) Required standards for multi-family housing developments. Multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided shall meet the following required standards for development:

- (a) Location.
 - (i) The site shall comprise a single lot or tract of land except where divided by public streets.
 - (ii) The site shall abut a public street.
- (b) Area requirements. All area and setback requirements of the applicable zoning district shall be complied with.
- (c) Design.
 - (i) Internal streets.
 - The maximum grade on any street shall be twelve percent (12%) except that no more than three percent (3%) grade shall be permitted within fifty feet (50') of any intersection with a public street.
 - Where feasible, all street intersections shall be at right angles.
 - (ii) Public street access.
 - The minimum distance between access points along public street frontage shall be one hundred twenty-five feet (125').
 - The minimum distance between an access point and the nearest right-of-way line of a public street intersection shall be one hundred feet (100').
- (d) Required improvements.
 - (i) Internal streets.

- Streets shall be privately constructed and maintained.
 - Streets shall be constructed to meet the standards for street construction in the City of Lafayette subdivision regulations.
- (ii) Water and sewer systems. All multi-family housing developments shall be serviced by public water and sewer systems on trunk lines not less than six inches (6").
- (iii) Fire protection. Fire hydrant protection shall be provided so that no building unit is located further than five hundred feet (500') from a fire hydrant or as approved by the Lafayette Fire Department. All fire hydrants shall have adequate pressure.
- (iv) Storage of refuse.
- The storage of refuse shall be done in such a manner as to meet all applicable provisions of the Lafayette Municipal Code.
 - All central refuse disposal areas shall be approved by the Lafayette Sanitation Department, shall be maintained in such a manner as to meet all applicable health codes and requirements, and shall be screened from view.
- (v) Service buildings. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable building codes. (1973 Code, § 11-602, as replaced by Ord. #679, Feb. 2016)

14-503. Mobile home parks. (1) General requirements. For the purpose of this official zoning code the following regulations shall apply to all mobile home parks within the corporate limits of the City of Lafayette:

(2) Requirements for mobile home parks. (a) License required. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the City of Lafayette any mobile home park unless such person or persons shall first obtain from Lafayette City Hall a license therefor.

Said license shall not be transferable.

(i) License fees. An annual license fee for each mobile home park shall be submitted to the Lafayette City Hall.

(ii) Application for license. An application for a mobile home park license shall be filed with Lafayette City Hall upon forms provided by said office. Applications shall be in writing, signed by the applicant, filed in triplicate, and shall contain the following:

- Name and address of the applicant.
- Location and legal description of the mobile home park.
- Complete site plan of the proposed park, including plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. Said plan shall show compliance with the standards set forth in § 14-603(3)(c) and shall be drawn to a scale showing at a minimum the number and arrangement of all plot spaces, setbacks, access to public streets, driveways, sidewalks, drainage, sanitation facilities including the location and size of water and sewer lines, fire hydrants, and refuse collection facilities. The plan shall also show any other planned facilities.
- Any further information as may be required by the building inspector to enable him to determine if the proposed mobile home park shall comply with all applicable provisions of this official zoning code.

(iii) Review of application for license. The city's building inspector and the planning commission staff and other appropriate municipal officials, if necessary, shall review and inspect the application, plans and specifications. If the proposed mobile home park is found to be in compliance with all applicable provisions of this official zoning code and all other applicable ordinances or statutes, the building inspector shall approve the application and authorize the issuance of such license.

(iv) Posting of license. The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(v) Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the mobile home park. The register shall contain the following information:

- Name and address of each occupant;
- The make, model, and year of all automobiles and mobile homes;
- The license number and owner of each mobile home and automobile by which it is towed if applicable;
- The state issuing such license;

- The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and any other official whose duties necessitate acquisition of the information contained in the register.

(vi) Revocation of license. The city's building inspector and/or health officer shall make periodic inspections of the park to assure compliance with this official zoning code. In case of noncompliance with this official zoning code, the building inspector and/or health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the building inspector and/or health officer shall recommend to the Lafayette City Council revocation of the offending parks' license. The board shall hold a hearing on the matter and upon determination of noncompliance shall revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

(b) Standards for mobile home parks. All mobile home parks shall comply with the following standards:

- (i) Age of mobile homes.
 - No mobile home may be set in the City of Lafayette more than ten (10) years old and must meet all local building standards and codes.
- (ii) Drainage and flood hazard requirements.
 - All mobile home parks shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
- (iii) Individual plot size requirements.
 - Individual plot spaces for mobile homes shall be clearly defined and mobile home parks provided so that the center line of pads are located not closer than forty feet (40') apart.
 - Minimum plot width.....40 ft.
 - Minimum plot depth.....100 ft.
 - No more than seventy-five percent (75%) of the mobile home plot gross area shall be covered by the mobile home and its accessory structures.
- (iv) Setback and screening requirements.

- All mobile homes shall be parked so that there will be a minimum of twenty feet (20') between mobile homes or any attachment such as a garage or porch.
- The minimum front yard setback from the interior access drive shall be ten feet (10').
- No mobile home or any attachments shall be located closer than thirty feet (30') from the right-of-way of any public street or highway or from any mobile home park property line.
- A buffer strip of not less than ten feet (10') in width, separate from any individual plot space with semi-opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all property lines of the park except across ingress and egress points to public streets.

(v) Public utilities requirements. Each individual mobile home space shall contain electrical, water, and wastewater connections for individual mobile home units and shall meet the following standards:

- Electrical. An electrical outlet supplying at least 110/220 volts shall be provided for each mobile home space, and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be compliant with the National Electrical Code, and shall satisfy all requirements of the state electrical inspector.
- Water supply. All mobile home parks shall be connected to the municipal water supply with a system approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All water line installations shall be inspected by appropriate officials from the Lafayette Water Department.
- Wastewater. All mobile home parks shall be connected to the municipal sewer system in a manner approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All plumbing

installations shall be in compliance with existing ordinances and shall be inspected by the appropriate officials from the Lafayette Wastewater Department.

(vi) Refuse: storage, collection and disposal requirements. Storage, collection, and disposal of refuse in mobile home parks shall be approved by the Sanitation Department of the City of Lafayette and shall be done in such a manner as to meet all applicable provisions of the Lafayette Municipal Code.

(vii) Public health, sanitary and anchoring requirements. All public health, sanitary, and anchoring requirements prescribed by Tennessee Code Annotated must be adhered to.

(viii) Fire protection. All mobile home parks shall be subject to the rules and regulations of the Lafayette Municipal Fire Department. At a minimum fire hydrant protection shall be provided so that no mobile home is located further than five hundred feet (500') from a fire hydrant. All fire hydrants shall have adequate pressure.

(ix) Access roads and parking requirements.

- All mobile home parks shall contain a private interior drive of at least twenty feet (20') in width. Said drive shall be surfaced with asphalt or concrete.
- All mobile home plots, common recreation and other facilities in the park shall have access only from the interior access drive. Said mobile home plot access to the interior access drive shall be a minimum of thirty feet (30') in width.
- All interior access drives shall be lighted by a minimum of one hundred seventy-five (175) watt lamps at intervals of one hundred feet (100'), mounted on utility poles.
- Each mobile home plot shall contain two (2) parking spaces per dwelling unit. Said parking spaces shall be located off the interior access drive.

(x) Sidewalk requirements. Where service buildings are included in mobile home parks, sidewalks shall be provided to the service buildings. Sidewalks shall not be smaller than two feet (2') in width and shall be adequately lighted at night.

(xi) Additions to mobile homes prohibited. No permanent additions of any kind shall be built onto, nor become a part of, any

mobile home. (1973 Code, § 11-603, as replaced by Ord. #679, Feb. 2016)

14-504. Special standards for certain uses. To accomplish the purposes of this official zoning code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements in addition to those of the zoning district in which they may be located.

(1) Gasoline service stations. The following regulations shall apply to all gasoline service stations:

(a) All buildings shall comply with all required setbacks in the applicable zoning district.

(b) All gasoline pumps and canopies shall not be located closer than twenty feet (20') to any street right-of-way line.

(c) When other uses are combined with a gasoline service station, such as video rental, deli, or grocery, additional parking, based on the other uses, shall be provided.

(2) Cemeteries. The following regulations shall apply to all cemeteries:

(a) The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

(b) Any new cemetery shall be located on a site containing not less than twenty (20) acres, and shall meet all applicable state and municipal regulations for this type of land use.

(c) All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty feet (30') from any property line or street right-of-way.

(d) All required yards shall be landscaped and maintained.

(e) Proposals for cemeteries shall be approved by the planning commission.

(3) Customary home occupations. The following regulations shall apply for all permitted customary home occupations:

(a) A customary home occupation is a gainful occupation or profession conducted by members of a family residing full-time on the premises and conducted entirely within the principal dwelling unit.

(b) No more than twenty-five percent (25%) of the total habitable floor area of the dwelling shall be devoted to such use.

(c) Shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.

(d) No stock in trade shall be visible from public street frontage, and no equipment or materials used in the occupation shall be stored outside the dwelling.

(e) Only one (1) person, not a resident of the premises, shall be employed.

(f) Neither retail nor manufacturing business shall be permitted.

(g) No outdoor repair work shall be permitted.

(h) Additional off-street parking shall be provided for the non-resident employee and for the parking of anticipated clients. Required parking shall not be permitted in any front yard.

(i) All structures used for customary home occupations shall be in conformance with the sign requirements as established in § 14-509 of the official zoning code.

(j) No approval shall be transferable to another owner.

(4) Swimming pools. The following regulations shall apply to all private swimming pools:

(a) No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side open space.

(b) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than four feet (4') in height and maintained in good condition.

(c) All swimming pools constructed shall meet the specification requirements of the International Building Code currently adopted by the city.

(5) Self-service storage facilities (mini-warehouses). The following regulations shall apply to all self-service storage facilities:

(a) Parking shall be provided by parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six feet (26') wide when storage cubicles open onto one side of the lane only and at least thirty feet (30') wide when cubicles open onto both sides of the lane. Said lane shall be surfaced with asphalt or concrete.

(b) A minimum of two (2) parking spaces plus one (1) additional space for every two hundred (200) storage cubicles shall be located adjacent to the project office.

(c) No self-service storage facility shall exceed eighteen feet (18') in height.

(d) The sale or auction of any item is specifically prohibited, with the exception of the contents of an abandoned unit.

(e) The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.

(f) The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.

(6) Servicing, storage, repair, or sale of motor vehicles. The following regulations shall apply to all motor vehicles, garages, sales lots, service stations, and similar structures and uses involved in the servicing, storage, repair or sales of motor vehicles:

(a) No public street, parking area, sidewalk, or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.

(b) No operation in connection with such establishments shall be carried on in such a manner which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.

(c) No motor vehicle shall be parked in such a manner as to block visibility at intersecting streets.

(d) No repair of motor vehicles or parts thereof shall be made outside of garages, service stations, body shops, or other buildings used for such purposes (except such minor repairs as are normally completed while the customer waits at the premises).

(e) All motor vehicles being handled or stored in an area visible from a public street or way shall be maintained in such condition that they can be moved under their own power.

(f) Motor vehicles unable to be moved under their own power may be temporarily stored (sixty (60) days or less) in completely enclosed storage yards. These yards shall be provided with opaque screening as provided in § 14-501 of this official zoning code in such a manner that no vehicle or portion thereof is visible from any street or public way, or from ground level of any adjacent property. The storage yard shall be located on the same premises as the motor vehicle repair or service establishment. The maximum number of vehicles allowed in any storage yard is ten (10).

(g) It shall be the responsibility of the owner or operator of any motor vehicle repair or service establishment to keep accurate and verifiable records as to the date any vehicle being stored in a storage yard is placed on said yard. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the yard have been there in excess of sixty (60) days and are in violation of this official zoning code.

(7) Churches and other places of worship. The following regulations shall apply to all permitted churches and other places of worship:

(a) A minimum lot area of two (2) acres with a minimum lot width of two hundred feet (200') at the building setback line shall be provided.

(b) The minimum depth of the front yard shall be seventy-five feet (75'), and the minimum depth of the side and rear yards shall be fifty feet (50'). The minimum side yard on street side of corner lots shall be seventy-five feet (75').

(c) The maximum lot coverage for the principal structure and all accessory structures shall be thirty percent (30%).

(d) When parking areas are adjacent to residential lots, buffer strips of ten feet (10') in width with semi-opaque screening in conformance with § 14-501 of this official zoning code along all shared lot lines shall be provided.

(8) Schools. The following regulations shall apply to all permitted schools offering general education courses:

(a) A minimum lot area of five (5) acres with a minimum lot width of three hundred feet (300') at the building setback line shall be provided.

(b) The minimum depth of the front, rear, side yards and side yards on street side of corner lots shall be one hundred feet (100').

(c) The maximum lot coverage for all buildings shall be thirty percent (30%).

(d) All accessory structures and portable classrooms shall be located in the rear yard only. Portable classrooms shall be temporary in nature and subject to annual review by the board of zoning appeals.

(e) When parking areas are adjacent to residential lots, buffer strips ten feet (10') in width with semi-opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(9) Day care homes. The following regulations shall apply to all permitted day care homes for the care of up to seven (7) children that are in compliance with state regulations:

(a) The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(b) Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.

(c) There shall be a fence with the minimum height of four feet (4') surrounding the play space.

(d) Operator of a child day care home must be the owner and reside on subject property.

(e) Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than fifty percent (50%) of the gross floor area of the main structure.

(f) Special approval shall not be transferable to another owner.

(10) Television, radio, and satellite dish antennas. The following regulations shall apply to all permitted television, radio, and satellite dish antennas:

(a) All ground mounted television, radio and satellite dish antennas shall be located in the rear yard only and no dish antenna shall be more than ten feet (10') in diameter.

(b) All installations must comply with all accessory use yard, height, bulk, and setback requirements specified within the district.

(c) Antennas that are roof-mounted shall not extend higher than ten feet (10') above the peak of the roof. No roof mounted dish antenna shall exceed twenty-four inches (24") in diameter.

(d) All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.

(e) All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

(f) Antennas shall be installed and maintained in compliance with the requirements of the municipality's building codes.

(g) No television or radio antenna shall exceed forty-five feet (45') in height.

(11) Wireless communication facilities (and antenna arrays).

(a) Applicability. All new towers or antennas as defined by this ordinance within the corporate limits of Lafayette shall be subject to these regulations, except as follows:

(i) Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of § 14-1004(10) and (11).

(b) Requirements. (i) Each applicant for an antenna and/or tower shall provide to Lafayette Regional Planning Commission, prior to city council consideration, the following:

(A) An inventory of its towers, antennas, or sites that are within the jurisdiction of the City of Lafayette; and

(B) Specific information about the proposed location, height, and design of each tower and/or antenna; and

(C) Proposed sites requested for approval.

(ii) Towers and antennas shall meet the following:

(A) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

(B) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that

will blend them into the natural setting and surrounding buildings.

(C) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a natural color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

(D) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.

(1) If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(E) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas;

(1) If such standard and/or regulations are changed, the owners of the towers and/or antennas governed by this chapter shall bring such towers and/or antennas into compliance with revised standards and regulations, within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.

(2) Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute ground for the removal of the tower or antenna at the owner's expense.

(F) The owner shall ensure that the structural integrity of the tower and/or antenna is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are most recently published and amended by the Electronic Industries Association:

(1) If, upon inspection, the City of Lafayette concludes that a tower and/or antenna fails to comply with such codes and standards, and constitutes a danger to person and/or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

(2) Failure to bring such tower and/or antenna into compliance with thirty (30) days of

notice shall constitute grounds for removal of the tower and/or antenna at the owner's expense.

(3) Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Lafayette.

(4) Owners and/or operators of towers and/or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lafayette have been obtained with copy of each provided to the city recorder.

(c) Regulations. (i) It shall be unlawful for person to install, erect, or use a tower and/or antenna without first making application to, and obtaining approval from the city council.

(ii) No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure, or alternative technology, that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(iii) No signs shall be permitted on an antenna and/or tower.

(iv) Building and support equipment associated with antennas and/or towers shall comply with all applicable requirements and codes.

(v) Any civil, mechanical, and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(vi) Sites for locating a tower and/or antenna including the placement of additional buildings or other supporting equipment used in connection with said tower and/or antenna shall be as follows:

(A) Located in commercial or industrial zoning areas;

(B) Meet setback requirements as listed in Table 1;

(1) The dimensions of the entire lot shall control the determination of the tower and/or antenna complying with city development regulations, including but not limited to setback requirements and lot coverage requirements.

(2) Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower, plus thirty feet (30') from any adjoining property line.

(3) Guys and accessory buildings must satisfy the minimum zoning setback requirements.

Table 1

| Off-Site Use/Designated Area | Separation Distance |
|--|--|
| 1. Residential: Single-family or duplex, including modular homes and mobile homes used for living purposes | 200 feet or 300% height of tower; whichever is greater |
| 2. Residentially zoned land which is either platted or has preliminary subdivision plan approval | 200 feet or 300% height of tower; whichever is greater |
| 3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex | 200 feet or 200% height of tower, whichever is greater |
| 4. Existing multi-family residential units greater than duplex units | 200 feet or 100% height of tower, whichever is greater |
| 5. Non-residentially zoned lands or non-residential uses | None, only setbacks apply |

(C) Meet separation requirements as listed in Table 2;

(1) Tower separation shall be measured from the base of the tower to the lot line of the off-site users and/or designated areas.

(2) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

Table 2

Existing Towers - Types

| | Lattice | Guyed | Monopole 75 ft. in height or greater | Monopole less than 75 ft. in height |
|--|-----------|--|--------------------------------------|-------------------------------------|
| Lattice | 5,000 ft. | 5,000 ft. | 1,500 ft. | 750 ft. |
| Guyed | 5,000 ft. | 5,500 ft. | 1,500 ft. | 750 ft. |
| Monopole 75 ft. in height or greater | 1,500 ft. | 1,500 ft. | 1,500 ft. | 750 ft. |
| Monopole less than 75 ft. in height | 750 ft. | 750 ft. | 750 ft. | 750 ft. |
| 1. Residential: Single-family or duplex, including modular homes and mobile homes used for living purposes | | 200 feet or 300% height of tower; whichever is greater | | |
| 2. Residentially zoned land which is either platted or has preliminary subdivision plan approval | | 200 feet or 300% height of tower; whichever is greater | | |
| 3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex | | 200 feet or 200% height of tower, whichever is greater | | |
| 4. Existing multi-family residential units greater than duplex units | | 200 feet or 100% height of tower, whichever is greater | | |
| 5. Non-residentially zoned lands or non-residential uses | | None, only setbacks apply | | |

(D) Towers shall be enclosed by security fencing not less than six feet (6') in height and shall be also be equipped with an appropriate anti-climbing device.

(E) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(1) Standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

(3) Sites on large, wooded lots, with natural growth around the perimeter may be considered sufficient buffer.

(F) Antennas mounted on utility poles or light poles shall have the equipment cabinet or structure used in association with antennas located in accordance with the following:

(1) Residential area: In a rear yard, provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area with the cabinet/structure located no more than twenty feet (20') from all lot lines and is screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(2) Residential area: In a front or side yard provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area with the cabinet/structure located no more than twenty feet (20') from all lot lines and screened by an evergreen hedge with an ultimate height of at least thirty-six inches (36").

(3) Commercial/industrial area: The equipment cabinet or structure shall be no greater than twenty feet (20') in height or two hundred (200) square feet in gross floor area and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and planted height of at least thirty-six inches (36").

(4) Commercial/industrial area: In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with ultimate height of twelve feet

(12') and a planted height of at least forty-eight inches (48").

(G) Antennas located on towers and related unnamed equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height and shall be located no closer than forty feet (40') from all lot lines.

(H) The tower meets the following height and usage criteria:

(1) Single user: Up to ninety feet (90') in height.

(2) Two (2) users: Up to one hundred twenty feet (120') in height.

(3) Three (3) or more users: Up to one hundred twenty feet (120') in height.

(I) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users by the applicant:

(vii) Location antenna on existing structures or towers shall be governed by the following:

(A) Any antenna not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

(1) The antenna does not extend more than thirty feet (30') above the highest point of the structure;

(2) The antenna complies with all applicable FAA and FCC regulations;

(3) The antenna complies with all applicable building codes.

(B) Antennas mounted on structures or rooftops shall have the equipment cabinet or structure used in association with the following:

(1) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height.

(2) Buildings and/or structures which are less than sixty-five (65) in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area and/or twelve

feet (12') in height shall be located on the ground and shall not be located on the roof of the structure.

(3) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(4) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(viii) An antenna which is attached to an existing tower may be approved to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(A) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the city council allows reconstruction of a monopole;

(B) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna:

(1) The height change shall only occur one (1) time per communication tower.

(2) The additional height may not exceed distance separation.

(C) A tower which is built to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.

(1) After the tower is rebuilt to accommodate collocation, only one (1) tower shall remain on the site.

(2) A relocated onsite tower shall continue to be measured from the original tower location for the purposes of calculating separation distance between towers.

(3) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(4) The onsite relocation of a tower which comes with the separation distances to residential

units or residentially zoned land shall only be permitted after a public hearing and approval by the city council.

(ix) Special uses permits may be approved by the city council, with the recommendation of the board of zoning appeals, with the following provisions governing:

(A) Required for the construction of a tower or the placement of antenna in agricultural zoning:

(B) Minimal adverse effects of the proposed tower on adjoining properties:

(C) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a license professional engineer under the guidelines of the State of Tennessee:

(D) Installing a cable microcell network through the use of multiple low-powered transmitter/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(x) Any antenna and/or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

(A) The owner of such antenna and/or tower shall remove the same within said ninety (90) days of receipt of notice from the City of Lafayette.

(B) Failure to remove an abandoned antenna and/or tower within said ninety (90) days shall be grounds to remove the tower and/or antenna at the owner's expense.

(C) If there are two (2) or more users of a single tower, then this provision shall not become effective until all approved users abandon the tower.

(xi) Rebuilding damaged or destroyed towers or antennas shall be of the same type, height, location, and intensity as the original facility approval.

(A) Building permits to rebuild the facility shall comply with the applicable building codes at that time and shall be obtained within one hundred eight (180) days from the date the facility is damaged or destroyed.

(B) If no building permit is obtained, the tower and/or antenna shall be deemed abandoned.

(C) After obtaining building permit, construction shall begin within ninety (90) days or the tower and/or antenna shall be deemed abandoned.

(d) Approval. (i) Proposed location and use must comply with all setback and separation requirements as outline in § 14-504(11)(c).

(ii) The planning commission and/or board of zoning appeals will submit to the city council with comments if any, the proposal within sixty (60) days.

(iii) The city council will approve/disapprove the application within sixty (60) days of submission from the planning commission.

(e) Requirements for application. (i) Application shall be made to the city recorder, or such person as designated by the city council to receive such applications.

(ii) Each application shall be accompanied by a non-refundable cashier's check in the amount of one thousand dollars (\$1,000.00) made payable to the City of Lafayette.

(iii) Each applicant shall deposit with the city recorder a surety bond, not less than one million dollars (\$1,000,000.00), to cover the cost to the municipality if the applicant fails to meet applicable requirements as set forth in this chapter. The bond will remain in effect ensure adequate funds available for continued maintenance.

(iv) Application for a tower shall be submitted with the following:

(A) A scaled site plan clearly indication:

(1) Location;

(2) Design, type and height of the proposed tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:

(3) On-site land uses and zoning;

(4) Adjacent land uses and zoning;

(5) Adjacent roadways;

(6) All properties within the applicable separation distances;

(7) Proposed areas of access (ingress and egress);

(8) Setbacks from property lines;

(9) Elevation drawings of the proposed tower and any other structures;

(10) Surrounding topography, tree coverage and foliage;

(11) Roadway and parking.

(B) Legal description of the parent tract and leased parcel (if applicable).

(C) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and non-platted residentially zoned properties.

(D) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map.

(E) Identify the type of construction of the tower and the owner and/or operator.

(F) A landscape plan showing specific landscape materials.

(G) Method of fencing, finished color, method of camouflage and illumination (if applicable).

(H) A description of compliance with all applicable federal, state, and local laws.

(I) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(J) A description of the suitability of the use of other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(K) Costs of alternative technology that exceed new tower and/or antenna development shall not be presumed to render the technology unsuitable.

(L) A description of the feasible location(s) of towers within the City of Lafayette based upon existing physical, engineering, technological, or geographic limitations

(v) Each applicants must certify that they have read, and are familiar with the provisions of this chapter.

(vi) Every application that meets the requirements of this chapter shall be considered by the city council.

(vii) In the event an applicant's circumstances change which compliance with the provisions set forth in this chapter, the applicant shall notify the city recorder in writing within fifteen (15) days from the changes in circumstances.

(viii) Any applicant denied approval three (3) times shall not be allowed to reapply until the expiration of one (1) year from the date of the third refusal. (1973 Code, § 11-604, as replaced by Ord. #679, Feb. 2016)

14-505. Parking, storage, and use of major recreational equipment, vehicles and trucks. (1) In the R-1 and R-2 residential districts

no vehicles or trailers of any kind or type without current license plates shall be parked or stored only in a completely enclosed building.

(2) In the R-1 and R-2 districts, no major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or in any required side yard except for periods not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(3) In the R-1 and R-2 districts, no truck of a rated capacity of greater than three-fourths (3/4) ton nor any other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building. (as added by Ord. #679, Feb. 2016)

14-506. Fences, walls, and hedges. Notwithstanding other provisions of this official zoning code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall cause any impairment to vision or create safety hazards to any driveway or at any street intersection. (as added by Ord. #679, Feb. 2016)

14-507. Front yard setback line exemptions. The setback requirement of this official zoning code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred feet (100') on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred feet (100'). In residential districts, however, the setback shall in no case be less than thirty feet (30') from the center line of the streets. (as added by Ord. #679, Feb. 2016)

14-508. Temporary structures. Temporary structures and operations in connection with, and on the site of building and land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the building inspector. No such permit shall be for a period of more than six (6) months, but shall be renewable by the building inspector for periods of not more than six (6) months. (as added by Ord. #679, Feb. 2016)

15-509. General sign regulations. These provisions are established as a reasonable and impartial method of regulating signs and similar advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to protect property values of the entire city, and to enhance the aesthetics of the community. In addition to regulations indicated for individual districts elsewhere in this zoning ordinance, the following regulations apply in groups of districts or generally in all districts as specified:

(1) Sign permit required. For all signs allowed in any residential, commercial or industrial zoning district as shown on the official zoning map of the City of Lafayette, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

(a) An application for a sign permit shall be submitted to city's building inspector on forms furnished by city hall and approved prior to the erection, relocation, major alteration or modification or any sign located in the City of Lafayette.

(b) The application for a sign permit shall contain the following information:

(i) Name, address and telephone number of applicant.
(ii) Location of building, structure or lot to which or upon which the sign is to be located.

(iii) Affidavit from property owner, if different from sign owner, indicating approval for sign location.

(iv) Name of person, firm, corporation or association that will be erecting the sign.

(v) Evidence of liability insurance policy or bond responsibility for sign erection.

(vi) Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.

(vii) Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified for the established zoning districts of this official zoning code.

(viii) Engineered drawings for any sign exceeding twenty feet (20') in height or one hundred fifty (150) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the city's building inspector.

(ix) Evidence of receipt of electrical inspection permit for any sign requiring electrical power (issued by Tri-County Electric) and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).

(x) A sign permit fee shall be submitted to the city's building inspector with the application for the sign permit. The permit fee shall be based on the sign value as determined by the City of Lafayette building codes, unless otherwise specified herein.

(xi) Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time.

(xii) Inspections required. Inspections by the city's building inspector shall be completed on all footers and upon completion of the final installation of a sign. A minimum notification of twenty-four (24) hours shall be provided to the city's building inspector prior to any required inspection. The state electrical inspector shall inspect signs requiring electricity.

(xiii) Certificate of approval required. No sign shall be considered in compliance with these regulations until such time as a certificate of approval has been issued. A certificate of approval shall be issued on the date that the final inspection of the sign is completed and approved by the city's building inspector.

(2) General regulations for all districts. For all zoning districts as shown on the official zoning map of the City of Lafayette, Tennessee the following regulations for signs and similar advertising structures shall apply:

(a) No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.

(b) No sign shall be erected, replaced or relocated so as to prevent free use of any required door, window, fire escape, emergency exit or standpipe.

(c) No sign shall be located on, or attached to, any public property except public signs authorized by the City of Lafayette or the State of Tennessee.

(d) No sign shall be located on or overhanging any public rights-of-way, except for certain signs specifically permitted in the C-1 central business district.

(e) Setbacks for all signs shall be measured from the leading edge of the sign as determined by the city's building inspector.

(f) No sign shall be painted or attached to any trees, rocks, utility poles, guy wires, street name signs, warning and regulatory signs, and the like.

(g) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. Signs or portions of signs designed primarily for the display of time and temperature and on premise message centers are specifically excluded from the provisions of this paragraph.

(h) No sign shall be placed in such a manner as to impede visibility between a height of two feet (2') and ten feet (10') above street level of intersecting streets at their point of intersection in an area defined by the street lines adjoining the corner lot and a line joining points along said street lines fifty feet (50') from the point of intersection.

(i) All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.

(j) All signs shall be erected, replaced, or relocated in accordance with signage regulations of the official zoning code.

(3) Signs allowed in all districts. The following signs do not require sign permits and are allowed in all zoning districts:

(a) Signs established by, or by order of, any governmental agency.

(b) Directional signs for parking and loading areas, entrance and exit signs not exceeding twelve (12) square feet in area nor three feet (3') in height, however, no such signs shall have the effect of obstructing ingress and egress visibility.

(c) Real estate signs during the time the property on which the sign is located is listed for sale, lease or auction. Such signs shall not exceed nine (9) square feet in sign face area or any individual lot of record located in any residential district and shall not exceed thirty-two (32) square feet in any non-residential district. Such signs shall be removed within fourteen (14) days after the transaction is completed. Off-premise real estate signs, including directional and open house signs, are permitted for one seven (7) consecutive day period during any twelve (12) consecutive month period. Auction signs shall be permitted when in compliance with the provisions of § 14-509(5)(n) of this official zoning code.

(d) Political signs displayed on private property with the consent of the owner for a time period of sixty (60) days prior to a general election or primary election. Such signs shall not exceed nine (9) square feet in sign face area in any residential district nor thirty-two (32) square feet in any non-residential district. Such signs shall be removed fourteen (14) days after the completion of said primary or general election. The owner of the property on which the sign is located shall be responsible for its removal and shall be subject to the penalty and remedy provisions of §§ 14-610 and 14-611 of this official zoning code for failure to comply with the provisions herein stated. These provisions shall not restrict the use of legal off-premise billboards as political signs.

(e) Construction signs, not exceeding thirty-two (32) square feet in sign face area, from the date of issuance of a building permit to a date thirty (30) days after the final inspection on the building project.

(f) Signs denoting the future home of or future location of a particular use or structure, not exceeding thirty-two (32) square feet of sign face area, for a period of ninety (90) days prior to the issuance of a building permit through the building permit period. Such signs shall be

immediately removed if no building permit is issued within ninety (90) days of the sign being erected.

(g) Garage or yard sale signs, not exceeding six (6) square feet in sign face area, for a period of five (5) days prior to and during a garage sale or yard sale. Such signs shall be removed within three (3) days after the sale is completed.

(h) On-premise promotional signs for new subdivisions limited to one (1) sign per subdivision. Such signs shall be not exceed thirty-two (32) square feet in sign face area and shall be removed when eighty percent (80%) of the subdivision lots have been sold.

(4) Signs allowed in residential districts. In the R-1 and R-2 residential districts, as shown on the official zoning map of the City of Lafayette, Tennessee, the following regulations for signs and similar advertising structures shall apply:

(a) Nameplates indicating name, address, house numbers, announcement of boarders or roomers are allowed but shall not exceed two (2) square feet in sign area. No more than one (1) such sign per lot or parcel shall be allowed.

(b) Signs posted on property relating to private parking, trespassing, or dangerous animals are allowed but shall not exceed two (2) square feet in sign area. No more than two (2) such signs per lot or parcel shall be allowed.

(c) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding sixteen (16) square feet in sign area are allowed.

(d) Signs announcing customary home occupations are prohibited, unless granted by the City of Lafayette Board of Zoning Appeals.

(e) Church, school, childcare, or public building bulletin boards or identification signs are allowed but shall not exceed fifty (50) square feet in sign area.

(f) No sign shall be placed closer than ten feet (10') to any property or right-of-way line.

(g) For a subdivision consisting of ten (10) or more lots or a multi-family development consisting of eight (8) or more dwelling units, two (2) permanent signs identifying the development at each major vehicular entrance are allowed, provided that the location and setback requirements of the Lafayette Subdivision Regulations are complied with, and provided that such signs do not exceed eight feet (8') in height and sixty-four (64) square feet in area.

(h) For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of § 14-509(5) of this official zoning code are complied with.

- (i) Flashing or intermittent illumination is prohibited.
- (j) Mobile or portable signs are prohibited.
- (k) Billboards and similar off-premise signs are prohibited.

(5) Signs allowed in commercial and industrial districts. In the C-1 and C-2 and I-1, I-2, and M-1 districts, as shown on the official zoning map of the City of Lafayette, Tennessee, the following regulations for signs and similar advertising structures shall apply:

(a) All signs allowed in residential districts, subject to the same regulations, are allowed.

(b) Each commercial and industrial premise with less than four hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed one (1) on-premise freestanding business sign structure per public street frontage, but in no case shall more than two (2) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

(c) Each commercial and industrial premise with greater than four-hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

(d) The following provisions shall apply for all on-premise freestanding signs:

(i) For commercial and industrial premises with fifty feet (50') or less frontage on a public street, or located in the C-1 central business district, the maximum sign face area of any freestanding sign shall not exceed fifty (50) square feet.

(ii) For commercial and industrial premises with greater than fifty feet (50') but less than one hundred feet (100') of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed one hundred (100) square feet in total sign face area.

(iii) For commercial and industrial premises with one hundred feet (100') or greater of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed two hundred fifty (250) square feet of total sign face area.

(iv) In cases where a commercial or industrial premise is allowed two (2) freestanding signs, the aggregate sign face area of both signs shall not exceed four hundred (400) square feet. In cases where a commercial or industrial premise is allowed three (3) freestanding signs, the aggregate sign face area of all signs shall not exceed five hundred (500) square feet.

(v) No on-premise freestanding sign shall be located closer than one hundred feet (100') from any other on-premise freestanding sign located on the same premise, as measured in a radius from the center of the sign base.

(vi) No part of any on-premise freestanding sign shall be placed closer than twenty-five feet (25') from any other on-premise located on a different premise or any off-premise freestanding sign as measured from the center of the sign base.

(vii) No on-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.

(viii) No on-premise sign with a support structure, pole or pole cover of a width greater than two feet (2') shall be placed closer than fifteen feet (15') to the right-of-way of any public street.

(ix) No on-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.

(x) No part of any on-premise freestanding sign located in the C-1 central business district shall be higher than twenty feet (20') from street level at a point nearest the sign.

(xi) No part of any on-premise freestanding sign located in the C-1 and C-2, and I-1, I-2, and CI districts shall be higher than thirty-five feet (35') from street level at a point nearest the sign.

(e) Each commercial or industrial establishment shall be allowed wall signs for on-premise advertising on each outside wall provided that such signs in total shall not exceed fifty percent (50%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for signs then no mansard roof sign shall be allowed.

(f) Each commercial or industrial establishment shall be allowed one (1) mansard sign for on-premise advertising provided that only one (1) outside wall is used to place signs. No mansard sign shall exceed twenty-five percent (25%) of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. Where mansard and wall signs are used in combination they shall not in total exceed fifty percent (50%) of the face of the building.

(g) No sign attached to the building shall be allowed to extend above the highest portion of the roof or facade.

(h) Each commercial or industrial establishment shall be allowed one (1) projecting sign provided that such sign shall not exceed twenty (20) square feet in sign face area and shall not extend above any portion of the roof of the building occupied.

(i) Each commercial or industrial establishment shall be allowed fascia signs provided that such signs do not exceed two feet (2') in height and do not extend above the highest portion of the roof.

(j) Awning, canopy, marquee and under-awning signs are permitted for commercial and industrial establishments. Under-awning signs shall not exceed four (4) square feet in sign face area and shall be placed at least seven feet (7') above the sidewalk or ground level so as to not constitute a hazard or impediment to pedestrians.

(k) For structures located in the C-1 central business district directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two feet (2') to any street pavement line and provided that no such sign shall obstruct free or clear vision or otherwise cause hazards for vehicular or pedestrian traffic.

(l) Mobile or portable signs are permitted only in the C-2 district and only under the following terms and conditions:

(i) Only one (1) mobile or portable sign shall be allowed per premise.

(ii) Mobile or portable signs shall only be allowed for two (2) periods, not to exceed fourteen (14) days each, during any calendar year (January 1-December 31).

(iii) A special permit is required for any mobile or portable sign.

(iv) The mobile or portable sign shall not be closer than fifteen feet (15') from any street right-of-way.

(m) Banners and other temporary on-premise signs are permitted only under the following terms and conditions:

(i) No freestanding banners or other temporary on-premise freestanding signs shall be permitted.

(ii) Each individual establishment shall be allowed one (1) banner or other temporary on-premise sign attached to a wall, fascia, mansard roof, canopy or awning.

(iii) No individual banner or other temporary on-premise sign shall exceed one hundred (100) square feet in sign face area.

(iv) All banners and other temporary on-premise signs shall be well maintained. Any damaged signs shall be immediately repaired, replaced or removed.

(n) For events of public interest, no more than four (4) temporary off-premise signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event, and provided that such signs shall be removed within three (3) consecutive days following the event.

(o) Billboards and similar off-premise signs are prohibited in the C-1 and I-1 and I-2 districts.

(p) All other billboards and similar off-premise signs shall be permitted only in the C-2 district under the following terms and conditions:

(i) No off-premise sign shall be located within one thousand five hundred feet (1,500') of any other off-premise sign on the same side of the street as measured along a line parallel to such street; this spacing does not prohibit back-to-back signs on the same structure.

(ii) No off-premise sign shall be located within five hundred feet (500') of any other off-premise sign on the opposite side of the street or on a different street as measured in a radius from the center of the sign base; this spacing does not prohibit back-to-back signs on the same structure.

(iii) No off-premise sign shall be erected or placed closer than three hundred feet (300') from the nearest property line of any property that is zoned residential, and has frontage on the same side of the street as the off-premise sign.

(iv) No off-premise sign shall be located closer than one-hundred feet (100') from any street intersection as measured from the leading edge of the sign.

(v) No off-premise sign shall be located closer than twenty-five feet (25') from any on-premise sign as measured from the center of the sign base.

(vi) No off-premise sign shall have a display surface area exceeding three hundred (300) square feet.

(vii) No off-premise sign shall exceed fifty feet (50') in height as measure from the uppermost portion of the display surface area to the finished grade at street level.

(viii) The sign face shall consist of a single panel and only one side or face shall be used in determining the display surface area.

(ix) Back-to-back panels of the same shape and dimensions are allowed when the panels are mounted parallel to one another or are placed at an angle between panels not exceeding forty-five degrees (45°). No display surface area shall be allowed between back-to-back panels.

(x) No multiple panels, stacked or side-by-side panels are permitted.

(xi) All off-premise signs shall be of monopole type construction. No off-premise sign shall be attached to the walls or roofs of any building.

(xii) No portable signs are allowed for off-premise advertising.

(xiii) No off-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.

(xiv) No off-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.

(6) Sign maintenance. For all signs and similar advertising structures, including any existing conforming or nonconforming signs, the following regulations shall apply:

(a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.

(b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.

(c) The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible.

(d) All burned out bulbs or damaged panels shall be promptly replaced.

(e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.

(f) Any sign or similar advertising structure failing to meet the requirements of this section shall be repaired or removed within thirty (30) days after receipt of notification from the city's building inspector.

(7) Removal of illegal, nonconforming, or obsolete signs. The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

(a) Abandoned or obsolete signs or sign structures, including any illegal or nonconforming on-premise or off-premise sign or sign structure, shall be removed within ninety (90) days of written notification by the city's building inspector.

(b) Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this title or other applicable code, shall be removed immediately.

(c) When fifty percent (50%) or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this municipal code.

(d) Any sign or sign structure found by the city's building inspector to present an immediate danger to the public shall be immediately repaired or removed.

(e) Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any

business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.

(f) Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.

(g) The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this title for failure to comply with the provisions stated herein. (as added by Ord. #679, Feb. 2016)

CHAPTER 6

ADMINISTRATION AND ENFORCEMENT

SECTION

- 14-601. Building inspector.
- 14-602. Application of zoning code.
- 14-603. Building permits required.
- 14-604. Plot plan required.
- 14-605. Site plan required.
- 14-606. Certification of occupancy required.
- 14-607. Board of zoning appeals; establishment and procedure.
- 14-608. Board of zoning appeals; powers and duties.
- 14-609. Amendments to zoning code.
- 14-610. Penalties.
- 14-611. Remedies.
- 14-612. Validity.

14-601. Building inspector. The provisions of this official zoning code shall be administered and enforced by the Lafayette Building Inspector as designated by the Lafayette City Council. The building inspector may be provided with the assistance of such other persons as the Lafayette City Council may direct.

(1) **Duties of the building inspector.** The city's building inspector shall administer and enforce this official zoning code and in addition, he shall perform the following duties:

- (a) Issue all building permits and make and maintain records thereof;
- (b) Issue all certificates of occupancy and make and maintain records thereof;
- (c) Issue and renew, where applicable and appropriate, all temporary use permits and make and maintain records thereof;
- (d) Maintain and keep current zoning maps, and records of amendments thereto;
- (e) Conduct inspections as prescribed by this official zoning code, and such other inspections as are necessary to ensure compliance with the various provisions of this official zoning code;
- (f) Receive, file and forward to the planning commission and the staff planner all applications and site plans for applicable uses, and all applications for amendments to this official zoning code;
- (g) Receive, file and forward to the Lafayette Board of Zoning Appeals and the staff planner all applications for special exceptions, variances or other matters, on which the board is required to review under the provisions of this official zoning code.

(2) Powers of the building inspector. The city's building inspector shall have the following powers:

(a) The power to grant building permits and certificate of occupancy permits;

(b) The power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this official zoning code;

(c) It shall be unlawful for the building inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this official zoning code;

(d) Under no circumstances is the city's building inspector permitted to make changes in this official zoning code nor to vary the terms or provisions in carrying out his duties.

(3) Right of entry upon land. The city's building inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this official zoning code. (1973 Code, § 11-701, as replaced by Ord. #679, Feb. 2016)

14-602. Application of zoning code. Except as otherwise provided, no structure or land shall after the effective date of the official zoning code be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the official zoning code shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (1973 Code, § 11-702, as replaced by Ord. #679, Feb. 2016)

14-603. Building permits required. (1) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure, including accessory structures or to commence the filing of land until the city's building inspector has issued for such work, a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the official zoning code.

(2) Application for a building permit shall be made in writing to the city's building inspector on forms provided for that purpose. The building

inspector may revoke a permit or approval, issued under the provisions of this official zoning code, in case there has been any false statement or misrepresentation as to the material fact in the application.

(3) Building permit does not waive provisions. The issuance of a building permit shall, in no case, be construed as waiving any provisions of this official zoning code. The city's building inspector may revoke a building permit upon determination that the construction or activity for which the permit was issued is in violation of or not in conformity with the provisions of this official zoning code.

(4) Expiration of building permit. Building permits shall be void one hundred eighty (180) days from the date of issue unless substantial progress on the project has been made by that time. (1973 Code, § 11-703, as replaced by Ord. #679, Feb. 2016)

14-604. Plot plan required. The city's building inspector shall require that every application for a building permit for excavation, construction, moving, or addition, to a single or two-family dwelling (including mobile homes located on individual lots) shall be accompanied by a plot plan. This plot plan may be a pen and ink drawing.

(1) Required content of plot plan. The plot plan shall show the following in sufficient detail to enable the building inspector to ascertain whether the proposed development is in conformance with this official zoning code.

(a) The actual shape, location, and dimensions of the lot.

(b) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

(c) The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.

(d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this official zoning code are being observed.

(2) Review of plot plan. All plot plans shall be reviewed by the building inspector and, if necessary, the staff planner. A period of up to ten (10) working days shall be allowed for the review of the plot plan, unless more time is determined to be needed by the building inspector.

(3) Approval of plot plan. If the proposed development is found to be in conformity with the provisions of this official zoning code, the building inspector shall issue a building permit.

(4) Disapproval of plot plan. If the proposed development is found not to be in conformity with the provisions of this official zoning code, a building permit shall not be issued and the building inspector shall state in writing on

the application the cause for such disapproval. (1973 Code, § 11-704, as replaced by Ord. #679, Feb. 2016)

14-605. Site plan required. The city's building inspector shall require that every application for a building permit for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

(1) Required contents of site plan. The site plan or plat shall be prepared to scale by an engineer, architect or other technical personnel approved by the building inspector and shall show the following in sufficient detail to enable the building inspector to ascertain whether the proposed development is in conformance with the official zoning code:

- (a) Actual shape, location, and dimensions of the lot to be built upon.
- (b) Topography of existing and finished grades.
- (c) Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
- (d) Existing and intended use of all such buildings or other structures.
- (e) Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.
- (f) Location and size of nearest water line, sewer line, fire hydrant, and any other public utilities.
- (g) Plans for the provisions of water service, fire hydrants, sewer service and any other public utilities.
- (h) Minimum required front, side and rear yard setback lines.
- (i) All easements with dimensions and designated as to type (examples: public utilities, drainage and public access).
- (j) Plans for storm water drainage.
- (k) All identified floodable areas; if applicable.
- (l) Location and dimensions of all signs.
- (m) Location and type of landscape screening, if applicable.
- (n) Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the official zoning code are observed.

(2) Review of site plans. All site plans or plats shall be reviewed by the building inspector and the staff planner, and by the appropriate municipal department heads (including streets, water and wastewater, electric, fire and police) if deemed necessary due to the nature or extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

(3) Approval of site plans. If the proposed development is found to be in conformity with the provisions of this official zoning code, the building inspector shall issue a building permit.

(4) Disapproval of site plans. If the proposed development is found not to be in conformity with the provisions of this official zoning code, a building permit shall not be issued and the building inspector shall state in writing on the application the cause for such disapproval. (1973 Code, § 11-705, as replaced by Ord. #679, Feb. 2016)

14-606. Certification of occupancy required. (1) No land or building or other structure or part thereof hereafter erected, moved, added to, or changed in its use shall be used until the city's building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the official zoning code.

(2) Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the city's building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the official zoning code, or; if such certificate is refused, to state the refusal in writing with the cause for such refusal. (1973 Code, § 11-706, as replaced by Ord. #679, Feb. 2016)

14-607. Board of zoning appeals; establishment and procedure.

(1) Establishment and appointment. A board of zoning appeals is hereby established in accordance with §§ 13-7-205 through 13-7-207 of the Tennessee Code Annotated. As permitted by § 13-7-205, Tennessee Code Annotated, the Lafayette Regional Commission is hereby designated as the Lafayette Board of Zoning Appeals.

(2) Conflict of interest. Any member of the Lafayette Board of Zoning Appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

(3) Proceedings of the board of zoning appeals. (a) The Lafayette Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this official zoning code. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) The board of zoning appeals 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 examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the board.

(4) Hearings and appeals. (a) An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the city's building inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof.

(b) The building inspector shall transmit to the board all papers constituting the record upon which the appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

(5) Liability of members of the board of zoning appeals and the building inspector. Any member of the Lafayette Board of Zoning Appeals, the Lafayette building inspector, or other employee charged with the enforcement of this official zoning code acting for the City of Lafayette in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Lafayette of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, the building inspector, or employees charged with the enforcement of any provision of this official zoning code shall be defended by legal representative furnished by the City of Lafayette until the final termination of such proceedings. (as added by Ord. #679, Feb. 2016, as replaced by Ord. #679, Feb. 2016)

14-608. Board of zoning appeals; powers and duties. The Lafayette Board of Zoning Appeals shall have the following powers and duties:

(1) Administrative review or interpretation. The Lafayette Board of Zoning Appeals shall interpret the official zoning code or zoning map and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this official zoning code. The board of zoning appeals shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the city's building inspector or any other administrative official in carrying out or enforcing any provision of this official zoning code, or in his interpretation of the zoning map.

(a) Application required. An application shall be filed with city hall for review by the board of zoning appeals. Said application shall

specify the grounds for requesting the administrative review or interpretation.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for an administrative review or interpretation from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due public notice shall be given to the parties in interest.

(2) Special exceptions (uses permitted on appeal). The Lafayette Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "uses permitted on appeals" sections of this official zoning code; 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 official zoning code; or to deny special exceptions when not in harmony with the purpose and intent of this official zoning code.

(a) Application required. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for a special exception from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

(d) General provisions governing special exceptions. Before any special exception shall be issued, the board of zoning appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

(i) It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

(ii) It will not adversely affect other property in the area in which it is located;

(iii) It is within the provision of "uses permitted on appeal" as set forth in this official zoning code; and

(iv) It conforms to all applicable provisions of this official zoning code for the district in which it is to be located.

(e) Conditions and safeguards. In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this official zoning code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this official zoning code.

(f) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(g) Time limit prescribed. The board of zoning appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the special exception.

(3) Variances. The Lafayette Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this official zoning code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this official zoning code would result in unnecessary hardship. In exercising its powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this official zoning code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this official zoning code, and to that end shall have the powers of the administrative official from whom the appeal is taken.

(a) Application required. An application shall be filed with the board of zoning appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for a variance by the board of zoning appeals to defray costs of notices, the hearing and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be

held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

(d) General standards for variances. In granting a variance, the board of zoning appeals shall ascertain that the following criteria are met:

(i) 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 official zoning code were carried out;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize in a zoning district activities other than those permitted by this official zoning code;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this official zoning code;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this official zoning code to other lands, structures, or buildings in the same district;

(vii) That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) 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; and

(ix) 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.

(e) Non-conformity does not constitute grounds for granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(f) Prohibition of use variances. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not

permissible under the terms of this official zoning code in the district involved, or any use expressly or by implication prohibited by the terms of this official zoning code in said district.

(g) Conditions and restrictions. The board of zoning appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in this official zoning code to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this official zoning code. Violations of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this official zoning code.

(h) Time limit prescribed. The board of zoning appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.

(i) Variance appeals. Any person or agency aggrieved by a decision of the board of zoning appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction. (as added by Ord. #679, Feb. 2016)

14-609. Amendments to zoning code. (1) Procedure. The regulations, the number, or boundaries of districts established by the official zoning code may be amended, supplemented, changed, modified, or repealed by the Lafayette City Council after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper. However, in accordance with § 13-7-204 of the Tennessee Code Annotated, no amendment shall become effective unless it is first submitted to and approved by the Lafayette Regional Planning Commission, or if disapproved, shall receive a majority vote of the entire Lafayette City Council.

(2) Application and fee. (a) Any person desiring to bring a request for an amendment to the official zoning code shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or Lafayette City Council may require.

(b) A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application requesting an amendment to the official zoning code to defray costs of notices, public hearings, and any miscellaneous expenses. (as added by Ord. #679, Feb. 2016)

14-610. Penalties. Any person violating any provisions of this official zoning code shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (as added by Ord. #679, Feb. 2016)

14-611. Remedies. In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the official zoning code, the Lafayette building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erected, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land. (as added by Ord. #679, Feb. 2016)

14-612. Validity. Should any section, clause, or provision of this official zoning code be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the official zoning code as a whole or any other part other than the part judged invalid. (as added by Ord. #679, Feb. 2016)

CHAPTERS 7 - 10

DELETED

(as deleted by Ord. #679, Feb. 2016)

CHAPTER 11**TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL
REGULATIONS****SECTION**

- 14-1101. Purpose.
- 14-1102. Applicable scope.
- 14-1103. Definitions.
- 14-1104. Municipal right-of-way use permit required.
- 14-1105. Application to provide telecommunications services using the public rights-of-way.
- 14-1106. Municipal right-of-way use permit issuance.
- 14-1107. Petition for reconsideration.
- 14-1108. Administration and enforcement.
- 14-1109. Applicability.
- 14-1110. Compensation to city.
- 14-1111. Remitting rental fees to the city.
- 14-1112. Audits.
- 14-1113. Transfers.
- 14-1114. Notices to the city.
- 14-1115. Construction obligations.
- 14-1116. Conditions of rights-of-way occupancy.
- 14-1117. Insurance requirements.
- 14-1118. Indemnity.
- 14-1119. Privacy of customer information.
- 14-1120. Annexation; deannexation.
- 14-1121. Unauthorized use of public rights-of-way.

14-1101. Purpose. The purpose of this chapter is to establish a competitively neutral policy for usage of public rights-of-way for the provision of telecommunications services and enable the city to:

- (1) Permit non-discriminatory access to the public rights-of-way for providers of telecommunications services;
- (2) Manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the rights-of-way;
- (3) Obtain fair and reasonable compensation for the commercial use of public rights-of-way through collection of rents;
- (4) Promote competition among telecommunications service providers and encourage the universal availability of advanced telecommunications services to all residents and businesses of the city; and
- (5) Minimize the congestion, inconvenience, visual impact, and other adverse effects on the city's public rights-of-way. (1973 Code, § 5-601)

14-1102. Applicable scope. This chapter applies to all telecommunications service providers under Titles II ("Title II") and VI ("Title VI") of the Communications Act of 1934, as amended, (47 USC 201, et seq.) excluding services provided solely by means of wireless transmission. This chapter does not exempt providers of cable service or open video systems service from the requirements of Title VI and applicable FCC rules and regulations. Any requirements and obligations imposed by this chapter are in addition to any requirements imposed by Title VI or state law and regulation on such providers. (1973 Code, § 5-602)

14-1103. Definitions. (1) "Applicant." Any person who files an application with the city, under § 14-1105 (Application to provide telecommunications services) of this chapter, in order to obtain the necessary permission to use the public rights-of-way to provide telecommunications services within the city, whether by means of the person's own facilities or by means of capacity obtained from another provider of telecommunications services.

(2) "City." The City of Lafayette the present municipal corporation of Tennessee, together with any future annexation made pursuant to law.

(3) "Chief administrative officer." The chief administrative officer of the City of Lafayette, or the person designated by the city council to carry out the duties and responsibilities of the chief administrative officer. Chief administrative officer shall also mean the person under the chief administrative officer's management and control designated by the chief administrative officer to administer the provisions of this chapter.

(4) "City requirements." All laws, rules, regulations, policies and directives of general application of the City of Lafayette, in effect at present or to be adopted in the future by the city.

(5) "Gross revenue." All revenues received by a provider for telecommunications services furnished within the city. However, revenues received for use of network capacity, switched or unswitched access, and sale of unbundled elements under 47 USC 251(b) and (c) from resellers of telecommunications services who are in compliance with this chapter are not included. Gross revenue does not include revenue uncollectible from customers ("bad debt") and any end user taxes collected from customers.

(6) "Municipal right-of-way use permit or municipal permit." The right granted by the city to use public rights-of-way to provide telecommunications services within the city to the public or to other providers, as specified by the terms of this chapter.

(7) "Person." Any person, firm, partnership, association, corporation, company or organization of any kind.

(8) "Provider." A person who has been granted a certificate of need by the Tennessee Regulatory Authority and/or who operates or uses a telecommunications network within the city to provide telecommunications

services, and who falls under the definition of § 14-1102 (Applicable scope) of this chapter.

(9) "Public rights-of-way." The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds any property interest or exercises any rights of management or control over and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of a telecommunications network.

(10) "Telecommunications network or network." All facilities placed in the public rights-of-way and used to provide telecommunications services.

(11) "Telecommunications services." All transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video or data), without change in content of the information as sent and received, where such transmissions are accomplished through a telecommunications network. Telecommunications services include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes long distance transmissions (inter-LATA and intra-LATA toll transmissions). Telecommunications services include all services provided. Telecommunications services also include all content or value-added services rendered in conjunction with transmission services. (1973 Code, § 5-603)

14-1104. Municipal right-of-way use permit required. (1) A person may not deliver telecommunications services in the city by means of a network unless the person obtains a municipal right-of-way use permit.

(2) The use of public rights-of-way for the delivery of any service not covered by this chapter is subject to all other applicable city requirements. (1973 Code, § 5-604)

14-1105. Application to provide telecommunications services using the public rights-of-way. (1) Any person proposing to provide telecommunications services by means of a telecommunications network located within the public rights-of-way ("applicant") shall submit an application to the chief administrative officer. The application, in a form to be prescribed by the chief administrative officer, shall describe all services the applicant wishes to provide, outline applicant's proposed network, and identify the uses of and potential impact on the public rights-of-way.

(2) The chief administrative officer shall have the duty to review applications submitted under this chapter and administer the provisions of this chapter regarding the granting or denial of a municipal right-of-way use permit to applicants. The chief administrative officer shall issue municipal right-of-way use permits, and shall administer and enforce compliance with respect to all municipal right-of-way use permits granted under this chapter. The chief

administrative officer shall submit a report annually to the city council analyzing whether any requirements imposed by each section of this chapter result in:

- (a) Anticompetitive effects in the market for telecommunications services in the city, as defined by federal law; and/or
- (b) Discrimination in favor of or against a holder of a certificate of need under state law. (1973 Code, § 5-605)

14-1106. Municipal right-of-way use permit issuance. (1) If the chief administrative officer finds that the application meets the requirements of this chapter, the chief administrative officer shall cause to be prepared a municipal right-of-way use permit for issuance to the applicant.

(2) The chief administrative officer shall complete all deliberations towards issuing a municipal right-of-way use permit, and shall issue the permit or a written denial within sixty (60) days of the receipt of an application. The applicant shall respond to all reasonable information requests of the chief administrative officer during this consideration period. Any delays in providing such information shall be documented in writing by the chief administrative officer, who may cite any delays or refusals in obtaining information from an applicant as grounds for denial of a permit. (1973 Code, § 5-606)

14-1107. Petition for reconsideration. The act of granting, denying or terminating a municipal right-of-way use permit is an exercise of the police power of the city. A person whose application for a municipal right-of-way use permit is denied must petition the city council for reconsideration before seeking judicial remedies, and must file such a petition within forty-five (45) days of the written denial of such application by the chief administrative officer. A petition is considered denied if the city council does not act within forty-five (45) days after the petition is filed with the city clerk. (1973 Code, § 5-607)

14-1108. Administration and enforcement. (1) The chief administrative officer shall administer this chapter and enforce compliance with a municipal right-of-way use permit granted under this chapter.

(2) A provider shall report information that the chief administrative officer requires in the form and manner prescribed by the chief administrative officer relating to the use of public rights-of-way for the right-of-way occupancy authorized by a municipal right-of-way use permit granted under this chapter.

(3) The chief administrative officer shall report to the city council the chief administrative officer's determination that a provider has failed to comply with this chapter. (1973 Code, § 5-608)

14-1109. Applicability. (1) §§ 14-1115 (construction), 14-1116 (right-of-way occupancy), and 14-1117 (insurance) of this chapter apply only to a provider that owns or contracts physical facilities in the right-of-way.

(2) § 14-1118 (indemnity) of this chapter applies to a provider that has a property interest in a network. (1973 Code, § 5-609, modified)

14-1110. Compensation to city. (1) To compensate the city for the use and occupancy of the public rights-of-way, a provider shall pay a municipal right-of-way rental fee calculated as follows:

(a) Rights-of-way rental fee. Each provider shall be subject to a five percent (5%) annual fee based on gross avenue obtained from the provision of telecommunications services within the city.

(b) Non-monetary consideration. To the extent allowed by state and federal law, the city may include non-monetary consideration from each provider. To the extent not expressly prohibited by applicable law, a provider may agree to furnish to the city non-monetary consideration in the form of telecommunications services, network capacity, conduit, or other infrastructure, valued at the provider's direct cost. The chief administrative officer shall apply a credit or an offset for any non-monetary consideration received to the annual right-of-way rental fee. The chief administrative officer shall publicly disclose the form of non-monetary consideration and the credit amount.

(c) Credit for cable television franchise fees and other contributions. Any telecommunications provider who is currently franchised by the city under state and federal law and regulations to provide cable television service shall receive a credit against the annual rights-of-way rental fee for any cable television franchise fees paid to the city, and any other monetary or non-monetary contributions to the city under a cable franchise agreement.

(2) A provider may pass through to customers the municipal right-of-way rental fee on a pro rata basis, at its discretion, as permitted by state and federal law. The city does not require or recommend a pass-through charge of the fee on a per line or per customer basis. (1973 Code, § 5-610)

14-1111. Remitting rental fees to the city. A provider shall remit the municipal right-of-way rental fee on a quarterly basis. Payment shall be made on or before the forty-fifth (45th) day following the close of each calendar quarter for which the payment is calculated. (1973 Code, § 5-611)

14-1112. Audits. (1) On thirty (30) days notice to a provider, the city may audit a provider at any time. The provider shall furnish information to demonstrate its compliance with the municipal right-of-way use permit.

(2) A provider shall keep complete and accurate books of accounts and records of business and operations in accordance with generally accepted accounting principles for a period of five (5) years. If the Federal Communications Commission requires, a provider shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed

in 47 CFR part 32 or its successor. The city may examine the provider's books and records.

(3) A provider shall make available to the city, for the city to examine, audit, review and copy, in the city's offices, upon the chief administrative officer's reasonable written request, its books and records including papers, books, accounts, documents, maps, plans and other provider records pertaining to a municipal right-of-way use permit granted under this chapter. A provider shall fully cooperate in making records available and otherwise assist the city examiner. The city examiner shall not make copies of customer specific information. (1973 Code, § 5-612)

14-1113. Transfers. (1) A provider may not transfer a municipal right-of-way use permit unless the chief administrative officer approves the transfer in writing.

(2) A change in control of a provider is a transfer requiring chief administrative officer approval. A change of twenty-five percent (25%) or greater in the ownership of the provider establishes a rebuttable presumption of a change in control.

(3) If a provider attempts to transfer or transfers the provider's municipal right-of-way use permit without approval of the chief administrative officer, the chief administrative officer may revoke the municipal right-of-way use permit. If a municipal right-of-way use permit is revoked, all rights of the provider under the municipal right-of-way use permit end.

(4) A provider may transfer, without the chief administrative officer's approval, the facilities in the rights-of-way under a municipal right-of-way use permit to the provider's affiliate or to another provider who has a municipal right-of-way use permit under this chapter. The provider transferring the facilities remains subject to all applicable obligations and provisions of the municipal right-of-way use permit unless the provider to which the facilities are transferred is also subject to these applicable obligations and provisions.

(5) The chief administrative officer must act on a request for transfer of a municipal permit within ninety (90) days of receipt of the request from the provider. Any request for a transfer of a municipal permit not acted upon within ninety (90) days shall be deemed to have been approved. (1973 Code, § 5-613)

14-1114. Notices to the city. (1) A provider shall notify the chief administrative officer in writing contemporaneously with the transmittal of all petitions, applications, written communications and reports submitted by the provider, to the Federal Communications Commission and the Tennessee Regulatory Authority, or their successor agencies relating to matters affecting both the use of public rights-of-way and the telecommunications services authorized by a municipal permit granted under this chapter. A provider shall furnish the chief administrative officer copies of the documents upon request.

(2) If a provider notifies the city of the confidential nature of information, the chief administrative officer shall maintain the confidentiality of the information to the extent permitted by law. Upon receipt in the chief administrative officer's office of requests for confidential information the city shall notify the affected providers of the request by facsimile transmission. (1973 Code, § 5-614)

14-1115. Construction obligations. (1) A provider is subject to the police powers of the city, other governmental powers, and the city's rights as a property owner under state and federal laws. A provider is subject to city requirements and federal and state rules in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way.

(2) A provider shall place certain facilities underground according to applicable city requirements.

(3) At the city's request, a provider shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the provider in the public rights-of-way. If any information furnished is erroneous as to the location of facilities, and reliance on this information results in construction delays or additional expenses, the provider who furnished the erroneous information shall be liable for the cost of delays and the additional expenses.

(4) The construction, expansion, reconstruction, excavation, use, maintenance and operation of a provider's facilities and property are subject to applicable city requirements.

(a) A provider shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use trenchless technology whenever possible. The water superintendent shall waive the requirement of trenchless technology if he determines that field conditions warrant the waiver. A provider shall minimize interference with the use of public and private property and shall follow the construction directions given by the city.

(b) When a provider completes construction work, a provider shall promptly restore the public rights-of-way in accordance with applicable city requirements. A provider may excavate only for the construction, installation, expansion, repair, removal, and maintenance of the provider's facilities.

(c) The city may require a provider to allow attachment of another provider's facilities to its poles and conduits, in accordance with the city charter, state and federal law.

(d) A provider shall furnish the water superintendent and the chief administrative officer with construction plans and maps showing the routing of new construction at least forty-five (45) days before

beginning construction that involves an alteration to the surface or subsurface of the public right-of-way. A provider may not begin construction until the plans and drawings have been approved in writing by the director of public works.

(e) If the chief administrative officer declares an emergency and requests the removal or abatement of facilities, by written notice, a provider shall remove or abate the provider's facilities by the deadline provided in the chief administrative officer's request. A provider and the city shall cooperate to the extent possible to assure continuity of service. If a provider, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the provider, without paying compensation to the provider and without the city incurring liability for damages.

(f) Except in an emergency, a provider may not excavate the pavement of a street or public right-of-way without first complying with city requirements.

(g) Within one hundred twenty (120) days of completion of each new segment of a provider's facilities, a provider shall supply the city with a complete set of "as built" drawings for the segment in a format prescribed by the water superintendent. A provider must obtain the city's approval before relocating the provider's facilities in the public rights-of-way. The city may not unreasonably withhold approval. A provider shall furnish a revised map including additional facilities on June 30 of each year to the water superintendent showing how these facilities connect to existing facilities. (1973 Code, § 5-615)

14-1116. Conditions of rights-of-way occupancy. (1) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipe lines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or right-of-way occupied by a provider, and to change the curb, sidewalks or the grade of streets.

(2) In case of conflict or interference between the facilities of different providers, the provider whose facilities were first permitted shall have priority over a competing provider's use of the public rights-of-way.

(3) If, during the term of a municipal permit, the city authorizes abutting landowners to occupy space under the surface of any public street, alley, or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the provider. If the city closes or abandons a public right-of-way that contains a portion of a provider's facilities, the city shall convey the land in the closed or abandoned public rights-of-way subject to the rights granted in the municipal permit.

(4) If the city gives written notice, a provider shall, at the provider's expense, temporarily or permanently, remove, relocate, change or alter the position of provider's facilities that are in the public rights-of-way within one hundred twenty (120) days. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental entity's public improvement in the public rights-of-way. This section shall not be construed to prevent a provider's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal.

(5) A provider who holds a municipal permit may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its network. All tree trimming shall be performed in accordance with standards promulgated by the city. When ordered by the water superintendent tree trimming shall be done under the supervision of the city.

(6) Providers shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than forty-eight (48) hours. The expense of this temporary rearrangement shall be paid by the party or parties requesting and benefitting from the temporary rearrangement. Provider may require prepayment or prior posting of a bond from the party requesting the temporary move. (1973 Code, § 5-616)

14-1117. Insurance requirements. (1) A provider shall obtain and maintain insurance in the amounts prescribed by the chief administrative officer with an insurance company licensed to do business in the State of Tennessee acceptable to the chief administrative officer throughout the term of a municipal permit granted under this chapter. A provider shall furnish the city with proof of insurance at the time of issuance of a municipal permit. The city reserves the right to review the insurance requirements while a municipal permit is in effect, and to reasonably adjust insurance coverage and limits when the chief administrative officer determines that changes in statutory law, court decisions, or the claims history of the industry or the provider require adjustment of the coverage. For purposes of this section, the city will accept certificates of self-insurance issued by the State of Tennessee providing the same coverage.

(2) The chief administrative officer may, on request and at no cost to the city, receive copies of certificates of insurance evidencing the coverage required by this section. The chief administrative officer may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the city, the provider, or the underwriter. If the chief administrative officer requests a deletion, revision or modification, a provider shall exercise reasonable efforts to pay for and to accomplish the change. An insurance certificate shall contain the following required provisions:

(a) Name the city and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;

(b) Provide for thirty (30) days notice to the city for cancellation, nonrenewal, or material change;

(c) Provide that notice of claims shall be provided to the chief administrative officer by certified mail; and

(d) Provide that the terms of the municipal permit which impose obligations on the provider concerning liability, duty, and standard of care, including the indemnity section, are included in the policy and that the risks are insured within the policy terms and conditions.

(3) A provider shall file and maintain proof of insurance with the chief administrative officer during the term of a municipal permit. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A provider shall immediately advise the city of actual or potential litigation that may develop that would affect insurance coverage related to a municipal permit.

(4) An insurer has no right of recovery against the city. The required insurance policies shall protect the provider and the city. The insurance shall be primary coverage for losses covered by the policies.

(5) The policy clause "other insurance" shall not apply to the city where the city is an insured under the policy.

(6) The provider shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a provider must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy. (1973 Code, § 5-617)

14-1118. Indemnity. (1) During the term of a municipal permit, a provider is liable for the acts or omissions of an entity used by the provider, including an affiliate, when the entity is involved directly or indirectly in the construction and installation of the provider's facilities. The acts or omissions of the entity shall be considered the acts or omissions of the provider.

(2) Each provider granted a municipal permit under this chapter shall provide to the chief administrative officer, in writing, a statement that the provider agrees to defend, indemnify and hold the city harmless against all damages, cost, loss or expense arising out of, incident to, concerning or resulting from the negligence or willful misconduct of the provider, its agents, employees, or subcontractors, in the performance of activities under the municipal permit:

(a) For the repair, replacement, or restoration of city property, equipment materials, structures and facilities which are damaged, destroyed or found to be defective; and

(b) Against any and all claims, demands, suits, causes of action, and judgments for:

(i) Damage to or loss of the property of any person including, but not limited to the provider, its agents, officers, employees and subcontractors, the city's agents, officers and employees, and third parties; and

(ii) Death, bodily injury, illness, disease, workers' compensation, loss of services, or loss of income or wages to any person including but not limited to the agents, officers and employees of the provider, the provider's subcontractors, the city, and third parties, no matter how, or to whom, the loss may occur.

(3) The chief administrative officer shall give prompt written notice to a provider of any claim for which the city seeks indemnification. The provider shall have the right to investigate, defend and compromise these claims subject to the city's prior approval. (1973 Code, § 5-618)

14-1119. Privacy of customer information. A provider shall comply with state and federal law regarding privacy of customer information. (1973 Code, § 5-619)

14-1120. Annexation; deannexation. Within thirty (30) days following the date of passage of any action affecting any deannexation or annexation, the chief administrative officer shall notify providers of this action by furnishing to the providers maps of the affected area(s), showing the new boundaries of the city. (1973 Code, § 5-620)

14-1121. Unauthorized use of public rights-of-way. (1) A person commits an offense if a person uses the public rights-of-way to provide a telecommunications service without first securing a municipal permit from the city.

(2) Each unauthorized use of the public rights-of-way and each unauthorized placement of facilities constitutes a separate offense. Each day a violation of this chapter occurs shall constitute a distinct and separate offense.

(3) An offense under this subsection is punishable by a fine of five hundred dollars (\$500.00). (1973 Code, § 5-621)

CHAPTER 12

MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

- 14-1201. Statutory authorization, findings of fact, purpose and objectives.
- 14-1202. Definitions.
- 14-1203. General provisions.
- 14-1204. Administration.
- 14-1205. Provisions for flood hazard reduction.
- 14-1206. Variance procedures.
- 14-1207. Legal status provisions.

14-1201. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Private Act Charter 1945, Chapter 325, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, be it ordained by the City Council of the City of Lafayette, Tennessee as follows:

(2) Findings of fact. (a) The City of Lafayette, Tennessee, Mayor and its Legislative Body wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Lafayette, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To establish eligibility for participation in the NFIP.
(Ord. #583, Sept. 2010)

14-1202. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures;

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood

heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Lafayette, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (Ord. #583, Sept. 2010)

14-1203. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Lafayette, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Lafayette, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community panel numbers 47111C0110C, 47111C0115C, 47111C0120C, 47111C0140C, dated October 19, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Lafayette, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided

by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lafayette, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #583, Sept. 2010)

14-1204. Administration. (1) Designation of ordinance administrator. The City of Lafayette Building Inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-1205(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the

measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-1204(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-1204(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-1204(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Lafayette, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #583, Sept. 2010)

14-1205. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-1205(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1205(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1202). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-1202). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-1204(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-1205(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-1202).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1205(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-1205(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-1203(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be

permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Lafayette, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-1203(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-1203(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-1205(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1202). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1204(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1205(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Lafayette, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2). Within approximate A Zones, require that those subsections of § 14-1205(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-1203(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1 – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-1205(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-1205(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-1204(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1203(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-1204 and 14-1205 shall apply.

(8) Standards for unmapped streams. Located within the City of Lafayette, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-1204 and 14-1205. (Ord. #583, Sept. 2010)

14-1206. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(c) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Lafayette, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance;

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure;

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance; and

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of

variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1206(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #583, Sept. 2010)

14-1207. Legal status provisions. (1) 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 City of Lafayette, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. 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.

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Lafayette, Tennessee, and the public welfare demanding it. (Ord. #583, Sept. 2010)

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.
8. MOVED TO TITLE 13, CHAPTER 4.

CHAPTER 1**MISCELLANEOUS****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.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.

¹Municipal code references

Excavations and obstructions in streets, etc.: title 16.
Fire lanes: § 7-208.

- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Interference with traffic prohibited, generally.
- 15-124. Load limits.
- 15-125. Horses and horsedrawn vehicles.
- 15-126. Compliance with financial responsibility law required.
- 15-127. Adoption of state traffic statutes.

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. (1973 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. (1973 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1973 Code, § 9-107)

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. (1973 Code, § 9-109)

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 city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1973 Code, § 9-110)

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. (1973 Code, § 9-111)

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. (1973 Code, § 9-112)

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 city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1973 Code, § 9-113)

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 city. (1973 Code, § 114)

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

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²This document may be obtained at: mutcd.fhwa.dot.gov.

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. (1973 Code, § 9-115)

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 authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1973 Code, § 9-116, modified)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1973 Code, § 9-117)

15-113. 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. (1973 Code, § 9-118)

15-114. 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. (1973 Code, § 9-120)

15-115. 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. (1973 Code, § 9-121)

15-116. 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. (1973 Code, § 9-122)

15-117. 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 inches (12") 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. (1973 Code, § 9-123)

15-118. 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.

No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system, including but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty feet (50') or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by any unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet however, words or phrases need not be discernible such sound shall include bass reverberation.

This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government, or any utility company for sound emitted unavoidably during a job related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercrafts operated on waters, or any motor vehicle used in an authorized public activity for which there has been granted by the appropriate agency of the city or county government.

A violation of this section shall be punishable by fine of not less than fifty dollars (\$50.00). (1973 Code, § 9-124)

15-119. 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." (1973 Code, § 9-125)

15-120. 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. (1973 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1973 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motor scooters.

No person operating or riding a bicycle, motorcycle, motor driven cycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, motor driven cycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, motor driven cycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, motor driven cycle, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor driven cycle unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said

helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1973 Code, § 9-127)

15-123. Interference with traffic prohibited, generally. It shall be unlawful for any person to interfere with, block, hinder, or lessen the flow of motor or pedestrian traffic on any public street, bridge, thoroughfare or sidewalk within this municipality without the express prior consent of the chief of police. (1973 Code, § 9-128)

15-124. Load limits. It shall be unlawful for any person to operate or drive a motor vehicle with a load weight in excess of five (5) tons upon any street or alley, except Tennessee Highway No. 261, Tennessee Hwy. No. 52, or Tennessee Hwy. No. 10. This load limit restriction shall apply to through traffic, not local deliveries. (1973 Code, § 9-129)

15-125. Horses and horsedrawn vehicles. (1) Every horse being ridden on the roadways or road rights-of-way in the City of Lafayette between the hours of 6:00 P.M. and 6:00 A.M. shall be equipped with a lamp on the front which shall emit a white light visible from a distance for at least five hundred feet (500') to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(2) All horsedrawn vehicles and/or equipment being driven on the roadways between 6:00 P.M. and 6:00 A.M. within the City of Lafayette whether farm or passenger shall be equipped with a self-luminous red lamp which shall be visible from the front from a distance of at least five hundred feet (500') and with a self-luminous red lamp on the rear which shall be visible from a distance of at least five hundred feet (500') to the rear. (1973 Code, § 9-130)

15-126. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under Tennessee Code Annotated, 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. 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.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (1973 Code, § 9-131, modified)

15-127. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, §16-18-302, the City of Lafayette adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§55-8-101 through §55-8-131, and §§55-8-133 through 55-8-180. Additionally, the City of Lafayette adopts Tennessee Code Annotated, §§55-8-181 through §55-8-191, §55-8-193, §55-8-199, §55-8-207, §§55-9-601 through §55-9-606, §55-12-139, §55-21-108, and §55-50-351, by reference as if fully set forth in this section. (as replaced by Ord. #717, March 2018 *Ch3_03-05-19*)

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. (1973 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this chapter; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred 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.

(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. (1973 Code, § 9-103)

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 traveling 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. (1973 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (1973 Code, § 9-105, modified)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. 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. (1973 Code, § 9-201)

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. (1973 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1973 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1973 Code, § 9-204)

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 (1973 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1973 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1973 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1973 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1973 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. 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. (1973 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1973 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1973 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

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 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.

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. (1973 Code, § 9-404)

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. (1973 Code, § 9-405)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1973 Code, § 9-406, modified)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1973 Code, § 9-407, modified)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing.

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1973 Code, § 9-408)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING¹

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.
- 15-607. Unlawful parking on the square or within one block thereof.
- 15-608. Unlawful to occupy more than one space.
- 15-609. 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 city 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 city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen 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. (1973 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city 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'). (1973 Code, § 9-502)

¹Municipal code reference
Fire lanes: § 7-205.

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. (1973 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.
- (7) 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 the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city. (1973 Code, § 9-504)

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 city as a loading and unloading zone. (1973 Code, § 9-505)

15-606. Regulation. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:00 A.M. and 6:00 P.M. on all days except Sundays and holidays declared by the governing body, parking shall be limited to the maximum time of two (2) hours in the parking spaces on the square and within one (1) block of said public square. (1973 Code, § 9-506)

15-607. Unlawful parking on the square or within one block thereof. 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 on the public square or within one (1) block thereof for more than four (4) hours. (1973 Code, § 9-507)

15-608. Unlawful to occupy more than one space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to

park across any line or marking designated as parking space or otherwise so that the vehicle is not entirely within the designated parking space; provided, however, said vehicles which are too large to park within one (1) space may be permitted to occupy two (2) spaces, provided said parking does not exceed four (4) hours where said parking spaces are located on the public square or within one (1) block of said square. (1973 Code, § 9-508)

15-609. 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. (1973 Code, § 9-509)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Violation and penalty.
- 15-706. Deposit of operator's license.
- 15-707. Receipt.
- 15-708. Authority.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1973 Code, § 9-601)

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. (1973 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. However, if the offense is a parking violation on the public square or within one (1) block off the square, the vehicle shall be towed from its location to a storage area, to be designated by the chief of police, and the

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

offender shall be required to pay a fine of five dollars (\$5.00), the pull in or towing fee and a storage cost of two dollars (\$2.00) per day. (1973 Code, § 9-603)

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 illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be two dollars (\$2.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. The owner of any vehicle so impounded shall also pay the pull-in, or towing fee. (1973 Code, § 9-604, modified)

15-705. Violation and penalty. Any violation of this chapter shall be a civil offense punishable as follows:

(1) **Traffic citations.** Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) **Parking citations.** For parking violations, except as provided in § 15-703, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

15-706. Deposit of operator's license. Any person issued a citation or arrested and charged with the violation of any municipal ordinance of the City of Lafayette, which regulates traffic, except driving under the influence of an intoxicant or narcotic drug, leaving the scene of an accident or any other violation of which called for the mandatory revocation of an operator's or chauffeur's license for any period of time, may have the option of depositing his or her driver's license which was issued to him or her by the Department of Safety of the State of Tennessee, with the officer or court demanding bail in lieu of any other security required for his appearance in the City Court of the City of Lafayette, in answer to such charge. (1973 Code, § 9-701)

15-707. Receipt. Upon the deposit of such license, either the officer or the court demanding bail shall issue said person a receipt for said license upon

the form approved or provided by the Department of Safety of the State of Tennessee. (1973 Code, § 9-702)

15-708. Authority. This section is in furtherance of the provisions of Tennessee Code Annotated, title 55, chapter 10, now in effect or as hereinafter amended and provisions thereof shall be governed and controlled in accordance with said code provisions. (1973 Code, § 9-703)

CHAPTER 8

ABANDONED AND JUNKED MOTOR VEHICLES

(Moved to title 13, chapter 4 by Ord. #749, Oct. 2019
Ch4_06-01-21)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

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. (1973 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen feet (14'). (1973 Code, § 12-202)

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. (1973 Code, § 12-203)

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 zoning regulations.¹ (1973 Code, § 12-204)

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. (1973 Code, § 12-205)

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. (1973 Code, § 12-206)

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. (1973 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. Prior to installation or replacement of drain tiles for driveways attaching to the public streets of the City of Lafayette, Tennessee, the approval for the installation and type of tile shall be obtained from the director of public works for the City of Lafayette, Tennessee.

From and after October 2, 2018, all drain tiles utilized in the construction of new driveways, or reconstruction of existing driveways, shall be not less than fifteen inches (15") in diameter. The director of public works, may require a drain tile to exceed fifteen inches (15") in diameter. All drainage tiles utilized in the construction of new driveways, or used in the reconstruction of existing driveways shall be not less than fifteen feet (15') in length or longer if required by the director of public works. The drainage tile shall be provided at the expense of the property owner. Installation and one (1) load of gravel may be

¹Municipal code reference

Building code: title 12, chapter 1.

provided by the city; and shall be under the direction of the public works or the street department. This section does not apply to subdivisions currently under construction, or future subdivision development. (1973 Code, § 12-208, as amended by Ord. #731, Oct. 2018 *Ch3_03-05-19*)

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. (1973 Code, § 12-209)

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 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. (1973 Code, § 12-210)

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. (1973 Code, § 12-211)

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. (1973 Code, § 12-212)

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; 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 a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1973 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1973 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case

of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1973 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1973 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1973 Code, § 12-105)

16-206. 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 municipality shall restore said street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the 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 municipality 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 municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which excavation or tunnel was made. 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. (1973 Code, § 12-106, as amended by Ord. #595, May 2011)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act.

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1973 Code, § 12-108)

16-209. Supervision. The street department personnel shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1973 Code, § 12-109, as amended by Ord. #595, May 2011)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in

width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1973 Code, § 12-110)

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. Use of land fill.
- 17-110. Charges for garbage service.

17-101. Refuse defined. Refuse shall mean and include garbage, and 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. (1973 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1973 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles

¹Municipal code reference

Property maintenance regulations: title 13.

mechanically. Furthermore, except for containers which the city handles 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') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1973 Code, § 8-103)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1973 Code, § 8-104)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1973 Code, § 8-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1973 Code, § 8-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1973 Code, § 8-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (1973 Code, § 8-108)

17-109. Use of land fill. The following rules shall regulate the use of the municipal sanitary land fill. It shall be unlawful:

- (1) To burn any substance thereon;
- (2) To dump refuse thereon at any time when the land fill is not in operation;
- (3) To dump or deposit refuse at any location on the land fill that has not been designated as a site for dumping by the attendant on duty;
- (4) To dump at any time any of the following substances:
 - (a) Stumps, limbs, etc. unless chipped;
 - (b) Dead animals or animal entrails;
 - (c) Automobile or truck bodies;
 - (d) Liquids or explosive materials; or
 - (e) Items too large to be compressed. (1973 Code, § 8-109)

17-110. Charges for garbage service. A mandatory garbage collection charge shall be paid monthly on all residential dwellings and commercial cart customers within the City of Lafayette and those dwellings and commercial customers receiving garbage service outside the City of Lafayette city limits. All garbage service charges shall be billed on water bills, if water is used, otherwise by separate billing. No fee shall be charged for garbage collection for any residential dwelling which is unoccupied, unless garbage service is requested. Residences and commercial locations shall be billed in accordance with the following:

| | |
|--|-------------------|
| Residential rates inside the city limits with | |
| 1-96 gallon carts per week | \$12.25 per month |
| Residential rates inside the city limits with | |
| 2-96 gallon carts per week | \$24.50 per month |
| Residential outside city limits with 1-96 gallon | |
| carts per week | \$15.00 per month |
| Residential outside city limits with 2-96 gallon | |
| carts per week | \$30.00 per month |
| Rear of residence pick-up | \$20.00 per month |

The first cart shall be furnished by the city at no charge. A second cart will be provided upon request of the customer at no charge but monthly pick-up charge will increase to the above rates. All carts shall be obtained from the city and from no other source.

| | |
|--|-------------------|
| Commercial with 1 cart, once a week pick-up | \$12.25 per month |
| Commercial with 2 carts, once a week pick-up | \$24.50 per month |
| Commercial with 3 carts, once a week pick-up | \$36.75 per month |
| Any additional carts after 3, will be charged \$12.25 per cart | |
| Commercial off-street pick-up per cart, once a week | \$20.00 per month |
| Commercial with 1 cart, twice a week pick-up | \$22.50 per month |
| Commercial with 2 carts, twice a week pick-up | \$45.00 per month |

| | |
|--|--------------------|
| Commercial with 3 carts, twice a week pick-up | \$67.50 per month |
| Any additional carts after 3, will be charged \$22.50 per cart | |
| Commercial off-street pick-up per cart, twice a week | \$32.00 per month |
| Commercial with 1 cart, three times a week pick-up | \$32.75 per month |
| Commercial with 2 carts, three times a week pick-up | \$65.50 per month |
| Commercial with 3 carts, three times a week pick-up | \$98.25 per month |
| Any additional carts after 3, will be charged \$32.75 per cart | |
| Commercial off-street pick-up per cart, three times a week | \$47.00 per month |
| Commercial with 1 cart, four times a week pick-up | \$43.00 per month |
| Commercial with 2 carts, four times a week pick-up | \$86.00 per month |
| Commercial with 3 carts, four times a week pick-up | \$129.00 per month |
| Any additional carts after 3, will be charged \$43.00 per cart | |
| Commercial off-street pick-up per cart, four times a week | \$62.00 per month |
| Commercial with 1 cart, five times a week pick-up | \$53.25 per month |
| Commercial with 2 carts, five times a week pick-up | \$106.50 per month |
| Commercial with 3 carts, five times a week pick-up | \$159.75 per month |
| Any additional carts after 3, will be charged \$53.25 per cart | |
| Commercial off-street pick-up per cart, five times a week | \$77.00 per month |

Dumpster for multiple cans is as follows:

| 1 pick-up per week | 2 pick-ups per week |
|--------------------|---------------------|
| 2yd \$45.00 | \$90.00 |
| 4yd \$85.00 | \$170.00 |
| 6yd \$120.00 | \$240.00 |
| 8yd \$140.00 | \$280.00 |

A manufacturer shall not be required to pay any fee for garbage service when the City of Lafayette is unable to provide garbage service to that manufacturer.

Extra garbage brought to city hall will be ten dollars (\$10.00) for five to thirty (5-30) gallon bags, each additional bag will be two dollars (\$2.00) each. Mattress sets are fifty dollars (\$50.00).

The city will set a dumpster for cleanup per customer's request at the customer's expense one hundred fifty dollars (\$150.00) set fee and all landfill fees per trip.

All carts shall be obtained and furnished by the city at no charge; and from no other source. (Ord. #556, Oct. 2008, as amended by Ord. #646, June 2013, Ord. #724, June 2018 **Ch3_03-05-19**, and Ord. #730, Oct. 2018 **Ch3_03-05-19**, and replaced by Ord. #777, March 2021 **Ch4_06-01-21**)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER.
2. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
3. SEWER USE REGULATIONS.
4. SEWER USE REGULATIONS: DISCHARGES OF FATS, OILS, AND GREASE.

CHAPTER 1

WATER

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Main extensions to developed areas.
- 18-108. Water non-refundable connection fee.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Schedule of rates.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Disconnection and reconnection charges.
- 18-116. Termination of service by customer.
- 18-117. Access to customer's premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use or interference with water supply.

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

Utilities commission: title 2, ch. 1.

- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cut-off failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Standards.
- 18-129. Construction and supervision.
- 18-130. Statement required.
- 18-131. Inspection required.
- 18-132. Right of entry for inspections.
- 18-133. Correction of existing violations.
- 18-134. Use of protective devices.
- 18-135. Unpotable water to be labeled.
- 18-136. Violations.
- 18-137. Lawn and garden sprinkler systems.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1973 Code, § 13-101, modified)

18-102. Definitions. (1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "By-pass." 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 connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or backpressure valves, or because of any other arrangement.

(4) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(6) "Household" means any two (2) or more persons living together as a family group.

(7) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected 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.

(8) "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 county.

(9) "Premise." 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.

(10) "Public water supply." The waterworks system furnishing water to the City of Lafayette, Tennessee, and surrounding area for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(11) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box. (1973 Code, § 13-102, modified)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1973 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service. (1973 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1973 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines shall be determined by the municipality.

Before a new service line will be laid the applicant shall pay a fee in accordance with the following schedule to the municipality.

(1) Connections made for the use of water within the municipality.

- (a) 3/4" \$1,000.00
- (b) 1" \$1,500.00

All connections exceeding one inch (1") in diameter shall be the cost of the installation, supplies and meter.

- (2) Connections made for the use of water outside the municipality.
 - (a) 3/4" \$1,250.00
 - (b) 1" \$1,750.00

All connections exceeding one inch (1") in diameter shall be the cost of the installation, supplies and meter.

The city utility department reserves the right to downsize a two inch (2") meter if it is determined that the flow through the two inch (2") meter is inadequate to make the meter register properly.

In addition to the above fees, if the city is required to bore under a street, road or highway to make connection there will be an additional fee to the applicant of ten dollars (\$10.00) per foot for boring under roadway.

(3) Connections made for the use of water when done by developer. The developer is to put all water lines, fire hydrants, and valves etc. in conformity to the city code requirements and state requirements and only when said developer has a minimum of ten (10) lots which are developed at one (1) time and said developer builds on said lots.

Inside and outside the city limits

- (a) 3/4" \$600.00
- (b) 1" \$1,100.00

All connections exceeding one inch (1") in diameter shall be the cost of installation, supplies and meter.

The rights given to the developer in this section are not transferrable to another person or persons, LLCs or corporations.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1973 Code, § 13-106, as amended by Ord. #561, May 2009, and Ord. #594, May 2011, modified, and Ord. #656, Jan. 2014)

18-107. Main extensions to developed areas. Any water main construction for subdivision areas, either within or without the corporate limits shall be made in accordance with such terms and conditions that are provided by the governing body and approved by the Tennessee Department of Environment and Conservation Division of Water Supply. All streets in said area shall be paved or repaved with a bituminous substance and adequate drainage shall be provided through the placement of culverts and waterways so

designed as to allow for the proper removal of surface runoff prior to turning water into said water main. (1973 Code, § 13-107, modified)

18-108. Water non-refundable connection fee. All applicants for water connections shall deposit with the municipality prior to such connection a non-refundable connection fee. For residential property owner users the non-refundable connection fee shall be twenty dollars (\$20.00). For residential renters or lessees the non-refundable connection fee shall be forty dollars (\$40.00). The rate for deposits on commercial and industrial water customers shall be set by the general foreman of the city, city recorder, and assistant recorder, with a minimum non-refundable connection fee of forty dollars (\$40.00). (1973 Code, § 13-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed by the municipality. There shall be a service charge fee for setting the meter or establishing new service inside the city limits of thirty dollars (\$30.00), and a service charge fee of fifty dollars (\$50.00) outside the city limits of Lafayette.

No one shall do anything which will in any way interfere with the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. A tampering fee of one hundred dollars (\$100.00) shall be charged, in addition to any outstanding amount due on the account, including all service charges, shall be paid before any services are restored. Tampering with a meter or theft of services shall be reported to the police authorities. Customer shall be charged with a misdemeanor or felony, based on the cost of repairs or replacement of city property. (1973 Code, § 13-109, as replaced by Ord. #713, Dec. 2017 *Ch3_03-05-19*)

18-110. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

| Meter Size | Percentage |
|--------------------|------------|
| 5/8," 3/4," 1," 2" | 2% |
| 3" | 3% |
| 4" | 4% |
| 6" | 5% |

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge of fifty dollars (\$50.00).

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1973 Code, § 13-110)

18-111. Schedule of rates. All water furnished by the municipality shall be measured in gallons to the nearest multiple of one thousand (1,000) and it shall be furnished to the regular users within the corporate limits of Lafayette under the following rate schedule:

| | |
|------------------------|---------------------------|
| 1st 1,000 gallons | \$9.00 minimum |
| All over 1,000 gallons | \$4.50 per 1,000 gallons. |

All water users outside the municipality shall pay in accordance with the following rate schedule:

| | |
|--------------------|--------------------------|
| 1st 1,000 gallons | \$15.00 minimum |
| Over 1,000 gallons | \$9.00 per 1,000 gallons |

(1) For those multiple service users (multiple users through a single meter) inside the corporate limits, the charge shall be based on the schedule set out herein, computed as follows:

It shall be necessary to arrive at the average use per individual user by dividing the number of individual users into the total gallons used during the month. The quotient gallons for each month shall be used to determine the charge for each individual user which shall be based on the above schedule of rates, i.e. one thousand (1,000) gallons used during the month – ten (10) individual users being metered by a master meter; divide ten (10) into one hundred thousand (100,000) and the quotient gallons is ten thousand (10,000) gallons.

(2) For all those (multiple users through a single meter) outside the corporate limits the charge shall be based on the above rate schedule computed as in item (1).

(3) Annual payment of sprinkler and fire hydrant connection shall be one hundred dollars (\$100.00). (Ord. #586, Dec. 2010, as replaced by Ord. #772, Dec. 2020 *Ch4_06-01-21*)

18-112. Multiple services through a single meter.¹ No customer shall supply water service to more than one (1) dwelling or premise from a single

¹See also § 18-122 of this code.

service line and meter without first obtaining the written permission of the municipality.

(1) Meter, piping, charges. (a) A master water meter shall be provided to RV parks by the city and shall be installed at the location approved by the city.

(b) The owner shall be responsible for all interior piping, valves, hydrants, and appurtenances on the owner's side of the meter.

(c) The owner shall be responsible for all leaks on the owner's side of the meter and the city shall not make any adjustments in charges.

(2) Fees. (a) The city is authorized to bill on a regular basis for water use measured by the single master meter. It shall be the owner's responsibility to bill individual tenants. The minimum monthly bill shall be fifty dollars (\$50.00) for an RV park.

(b) In the event that water or sewer usage is not paid by the owner on or before the due date the city shall discontinue the service to the RV park under the city's policies and procedures for the termination of water service for nonpayment of water bills.

(3) All recreational vehicles located in the RV park must at all times remain mobile. (1973 Code, § 13-112, as amended by Ord. #603, Aug. 2011)

18-113. Billing. Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the date shown thereon in order to obtain the net rate, otherwise the gross rate shall apply. This municipality shall not furnish water services free of charges to any person or persons. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date. Payments must be received in the office prior to the close of business day, at 4:30 P.M. local time, on the due date to avoid late payment fees. Night deposit payments are applied to customer's account each morning and will be posted the day removed from night deposit box. Mailed payments are posted on date received from post office. Postmark date is not considered when determining late payment fees. A net remittance received by mail after the due date will be considered delinquent and shall not be accepted by the municipality without late fees. In the event service bills are not paid on or before the due date, service may be discontinued after five (5) calendar days of due date; and not again resumed until all bills are paid, including late fees and service charges. Effective July 1, 2016, delinquent notices will no longer be mailed.

The municipality shall discontinue service for nonpayment of bills. However, service shall not be discontinued for nonpayment of bills including delayed charges, without first having made a reasonable effort to induce the customer to pay same. If prior to discontinue use of service there is delivered to the utility department, or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health

officer that in the opinion of the certifier discontinued use of the service will aggravate an existing illness or infirmity on the effective premise, service shall not be discontinued until the affected resident can make other living arrangement or until ten (10) days elapses from the time the utility's receipt of said certification, whichever occurs first. If service is discontinued for non or partial payment or a bad check, the customer must make payment in full, of his/her account, including all service charges. If customer's account is on cutoff list, and payment is not done before 7:00 A.M. the day services are turned off for nonpayment, a service charge of sixty dollars (\$60.00) inside the city; and a service charge of one hundred dollars (\$100.00) outside the city limits of Lafayette will be added to the amount due. No after-hours turn-ons will be done. The city will make all efforts to get services turned on the same day for any customer making payments to connect or reconnect services prior to 3:00 P.M.; though, the services are subject to not be turned on until the following business day. Any payments made to connect or reconnect services at 3:00 P.M. or later, shall not be turned on until the following business day. Payments made to connect or reconnect on Friday at 3:00 P.M. and after, will not get services turned on until the following Monday or business day.

The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

If a customer has a water leak on the customer's side of the water meter, the City of Lafayette will adjust each of the customer's water accounts only one (1) time a calendar year for a water leak provided the usage is over ten thousand (10,000) gallons on the account to be adjusted.

If the customer's normal usage is over ten thousand (10,000) gallons their bill shall be adjusted to an average plus one-third (1/3) of a difference between that average and the amount of that bill for water.

If the customer's normal usage is less than ten thousand (10,000) gallons per month, the water bill will be adjusted back to ten thousand (10,000) gallons.

These adjustment formulas shall also apply to a water customer who is master metered.

If a customer's account is placed with a collection agency the customer will be required to pay a collection fee in addition to all other applicable fees.

When a water meter charge is adjusted, as set out above, the sewer charge shall be adjusted by figuring the average sewer charge for the previous twelve (12) months.

In the event that the owner of a utility account dies without a surviving spouse, the meter shall be changed to the name of the person using the account. Upon discovery that the City of LaFayette, Tennessee, has been furnished

service to any person other than the person whose name the account is in, the City of LaFayette, Tennessee, shall cease furnishing such service unless such person applies for and the City of LaFayette, Tennessee, approves their membership retroactive to the date they first began using such service. (1973 Code, § 13-113, as amended by Ord. #544, Aug. 2008, Ord. #554, Sept. 2008, Ord. #605, Nov. 2011, Ord. #681, April 2016, Ord. #713, Dec. 2017 *Ch3_03-05-19*, and Ord. #771, Dec. 2020 *Ch4_06-01-21*)

18-114. Discontinuance or refusal of service. The governing body shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's applications for service.
- (3) The customer's contract for service.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1973 Code, § 13-114)

18-115. Disconnection and reconnection charges. In the event the customer requests the city to check a water meter for accuracy, leak, or misreading, service charges shall apply in all cases except when it has been determined by the city that the problem was due to the city's error or mistake. A service charge of thirty dollars (\$30.00) for water service inside the city limits and fifty dollars (\$50.00) for water service outside the city limits shall be collected by the municipality. (1973 Code, § 13-115, as replaced by Ord. #713, Dec. 2017 *Ch3_03-05-19*)

18-116. 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 municipality 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 municipality 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 municipality 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 such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality 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. (1973 Code, § 13-116)

18-117. Access to customer's premises. The municipality'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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1973 Code, § 13-117)

18-118. Inspections. The municipality 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 municipality reserves the right to refuse service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, and such inspection or rejection been made. (1973 Code, § 13-118)

18-119. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1973 Code, § 13-119)

18-120. Customer's responsibility for violations. Where the municipality 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. (1973 Code, § 13-120)

18-121. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality 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 municipality. (1973 Code, § 13-121)

18-122. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots or fire plugs without permission or authority from the municipality. (1973 Code, § 13-122)

18-123. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1973 Code, § 13-123)

18-124. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1973 Code, § 13-124)

18-125. Liability for cut-off failures. The municipality'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 a water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cut-off develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damage for cut-off failures, the customer shall rely exclusively on privately owned cut-offs and not on the municipality's cut-off. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off. (1973 Code, § 13-125)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the municipality 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. (1973 Code, § 13-126)

18-127. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 municipality 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. (1973 Code, § 13-127)

18-128. Standards. The City of Lafayette Public Water Supply is to comply with Tennessee Code Annotated, § 68-221-701, *et seq.*, as well as the rules and regulations of the public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable uses. (1973 Code, § 13-128, modified)

18-129. Construction and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made, or allow one to exist for any purpose whatsoever unless the construction or operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, by-pass, or inter-connection is at all times under the direct supervision of the Superintendent of Water of the City of Lafayette. (1973 Code, § 13-129, modified)

18-130. 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 the piping system, shall file with the Superintendent of Water of the City of Lafayette, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1973 Code, § 13-130)

18-131. Inspection required. It shall be the duty of the City of Lafayette 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 reinspections based on potential health hazards involved shall be as established by the Superintendent of Water of the City of Lafayette, and as approved by the Tennessee Department of Environment and Conservation Division of Water Supply. (1973 Code, § 13-131, modified)

18-132. Right of entry for inspections. The superintendent of water or an authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Lafayette Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1973 Code, § 13-132)

18-133. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections 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 of the City of Lafayette. (1973 Code, § 13-133)

18-134. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected the Superintendent of Water of the City of Lafayette, 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 of the City of Lafayette, 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.

The department 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 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 only one (1) unit is installed and the continuance of service is critical, the superintendent of water 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 water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of Water of the City of Lafayette. (1973 Code, § 13-134)

18-135. Unpotable water to be labeled. The potable water supply made available on the properties 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

Minimum acceptable sign shall have black letters one inch (1") high located on a red background. (1973 Code, § 13-135)

18-136. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in accordance with the charter and the city code of the City of Lafayette, being not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Superintendent of Water of the City of Lafayette shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service

shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (1973 Code, § 13-136)

18-137. Lawn and garden sprinkler systems. A lawn or garden sprinkler system shall be allowed as follows:

- (1) A three-quarters inch (3/4") or one inch (1") water meter only.
- (2) Customer shall install and maintain a State of Tennessee reduced pressure backflow preventer in an insulated preventer valve box.

(3) The city shall test the backflow preventer and notify the customer of any necessary repairs and the time limit for making the repairs. After the time given for the repairs has expired, the backflow preventer shall be tested by the city again. If the repairs have not been made the water service shall be discontinued at that time. If after the time given for any repairs has expired the backflow system preventer shall be tested again, and if the repairs have not been made the water service will be disconnected at that time.

(4) The sprinkler system tap or connection fees shall be:

Inside city limits

- (a) 3/4" \$500.00
- (b) 1" \$850.00

Outside city limits

- (a) 3/4" \$850.00
- (b) 1" \$1,500.00

There shall be added to each of the above fees a charge of seventy-five dollars (\$75.00) to cover the meter cost.

(5) Use of water for this tap is for lawn and garden sprinkler systems, not for domestic use inside the home for drinking, bathing, or cooking.

(6) Customer shall pay a minimum water bill each month on this meter when not in use.

(7) No sewer charge shall be added for water used for water or garden sprinkler systems.

(8) There shall be no adjustments allowed for a water leak on the customer's side of the meter authorized by this section. (1973 Code, § 13-137)

CHAPTER 2**CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹****SECTION**

- 18-201. Definitions.
- 18-202. Compliance with Tennessee Code Annotated.
- 18-203. Regulated.
- 18-204. New installations.
- 18-205. Existing installations.
- 18-206. Inspections.
- 18-207. Right of entry for inspections.
- 18-208. Correction of violations.
- 18-209. Required devices.
- 18-210. Non-potable supplies.
- 18-211. Statement required.
- 18-212. Penalty; discontinuance of water supply.
- 18-213. Provision applicable.

18-201. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a nonpressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

¹Municipal code reference
Plumbing code: § 12-201.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, filled with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Inter-connection" shall mean any system of piping or other arrangements 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 system.

(13) "Person" shall mean 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.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Lafayette Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Supervisor" shall mean the supervisor of the Lafayette Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter).

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #563, Sept. 2009)

18-202. Compliance with Tennessee Code Annotated. The Lafayette Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Lafayette Water System shall comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes and inter-connections, and shall establish an effective, on-going program to control these undesirable water uses. (Ord. #563, Sept. 2009)

18-203. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Lafayette Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Lafayette Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) 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 is at all times under the direction of the supervisor of the Lafayette Water System.

(3) If, in the judgment of the supervisor or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the supervisor shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(5) For new installations, the supervisor or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Lafayette Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #563, Sept. 2009)

18-204. New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Lafayette Water System for approval. (Ord. #563, Sept. 2009)

18-205. Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Lafayette Water System. (Ord. #563, Sept. 2009)

18-206. Inspections. The supervisor or his designated agent shall inspect 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 shall be based on potential health hazards involved, and shall be established by the Lafayette Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #563, Sept. 2009)

18-207. Right of entry for inspections. The supervisor or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Lafayette Water System public water system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, by-passes or inter-connections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-

connections, and shall be grounds for disconnection of water service. (Ord. #563, Sept. 2009)

18-208. Correction of violations. (1) Any person found to have cross-connections, auxiliary intakes, by-passes or inter-connections 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 the existing conditions and an appraisal of the time required to complete the work, the supervisor or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, by-passes or inter-connections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Lafayette Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the supervisor or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the supervisor shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing. (Ord. #563, Sept. 2009)

18-209. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Lafayette Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Lafayette Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Lafayette Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation.

(a) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

(i) Mortuaries, morgues, autopsy facilities;

(ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;

(iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;

(iv) Premises with auxiliary water supplies or industrial piping systems;

(v) Chemical plants (manufacturing, processing, compounding, or treatment);

(vi) Laboratories (industrial, commercial, medical research, school);

(vii) Packing and rendering houses;

(viii) Manufacturing plants;

(ix) Food and beverage processing plants;

- (x) Automated car wash facilities;
- (xi) Extermination companies;
- (xii) Airports, railroads, bus terminals, piers, boat docks;
- (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (xiv) Metal plating, pickling, and anodizing operations;
- (xv) Greenhouses and nurseries;
- (xvi) Commercial laundries and dry cleaners;
- (xvii) Film laboratories;
- (xviii) Petroleum processes and storage plants;
- (xix) Restricted establishments;
- (xx) Schools and educational facilities;
- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities;
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual).

(4) Applications requiring backflow prevention devices include, but shall not be limited to: domestic water service and/or fire flow connections for a medical facilities; all fountains, lawn irrigation systems, wells, water softeners and other treatment systems; swimming pools; and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Lafayette Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

- (i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or
- (ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The supervisor or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter by a person approved by the Lafayette Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Lafayette Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12"), plus the nominal diameter of the device, above either:

- (i) The floor;
- (ii) The top of opening(s) in the enclosure; or
- (iii) Maximum flood level, whichever is higher.

Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall

have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Lafayette Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40° F) with an outside temperature of negative thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Lafayette Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Lafayette Water System may require the installation of a duplicate device.

(p) The Lafayette Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Lafayette Water System. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise, the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective, shall constitute a violation of this chapter and shall be 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 Lafayette Water System.

(6) Testing of devices. Devices shall be tested at least annually by the Lafayette Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Lafayette Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge/or annual testing. (Ord. #563, Sept. 2009)

18-210. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Lafayette Water System such coding is necessary to identify and protect the potable water supply. (Ord. #563, Sept. 2009)

18-211. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Lafayette Water System a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or inter-connections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, by-passes or inter-connections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #563, Sept. 2009)

18-212. Penalty; discontinuance of water supply. Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the supervisor may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass or inter-connection has been eliminated. (Ord. #563, Sept. 2009)

18-213. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Lafayette Water System and are hereby made part of the conditions required to be for the Lafayette Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (Ord. #563, Sept. 2009)

CHAPTER 3

SEWER USE REGULATIONS

SECTION

- 18-301. Purpose.
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- 18-304. Use of public sewers.
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- 18-306. Building sewer permits, connections, and extension policies.
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- 18-308. Control of prohibited wastes.
- 18-309. Wastewater sampling and analysis.
- 18-310. Industrial self-monitoring requirements.
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- 18-312. Enforcement procedures.
- 18-313. Sewer fees and charges.
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- 18-315. Private lift stations.
- 18-316. Validity.

18-301. Purpose. This chapter sets uniform requirements for discharges into the wastewater collection and treatment system and enables the City of Lafayette to comply with the administrative provisions of the Clean Water Act, PL 92-500, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the City of Lafayette sewer system. This chapter provides a means for determining wastewater volumes, constituents and characteristics, and the issuance of permits to certain users, in order to:

- (1) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deterioration of the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined;
- (2) Establish control of the contribution of wastewater, which requires greater treatment expenditures that are required for equal volumes of normal domestic waste;
- (3) Establish pretreatment requirements for industrial waste before discharge to public sewers as required in 40 CFR, part 402, as amended;
- (4) Establish a uniform procedure for design, installation, inspection, operation, and maintenance of private wastewater treatment and disposal

systems, extension of public sewer systems, laterals, and connections to sewer mains. (Ord. #541, Sept. 2008)

18-302. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 USC 1251, *et seq.*

(2) "Authorized representative of industrial user" shall mean an authorized representative of an industrial user and may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

(4) "By-pass" shall mean the anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

(5) "C" means centigrade degrees.

(6) "Categorical standards" shall mean the national pretreatment standards.

(7) "City" shall mean the City of Lafayette or the City Council of Lafayette.

(8) "Commercial user" means the owner or occupant of a premise other than a dwelling, and other than a manufacturing plant. Commercial users include, but are not limited to hotels, apartment buildings, retail stores, restaurants, nursing homes, service stations, beauty or barber shops, government buildings, banks, churches, doctor offices, and other similar businesses or enterprises.

(9) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria, plus any additional pollutant identified in a publicly owned treatment works' NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants, and, in fact does remove such pollutants to a substantial degree.

(10) "Control manhole" shall mean a structure specially constructed for the purpose of measuring flow and sampling of wastes.

(11) "Cooling water" shall mean the water discharge from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(12) "Direct discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Dwelling" means any single structure, with auxiliary buildings, occupied by no more than one (1) household for residential purposes.

(14) "Emergency" shall mean a situation, which, in the opinion of the superintendent or his/her authorized representative, may cause interference and/or pass through, damage to the POTW, or present a health hazard to personnel, the general public, or the environment.

(15) "Fecal coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

(16) "Floatable oil" means oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

(17) "Fats, oils, and greases" means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG."

(18) "FOG program" means the document and written plan and procedures by which the superintendent implements an enforcement strategy applicable to the FOG control and management program. The plan applies to FOG program violations and matters of program non-compliance.

(19) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of products.

(20) "Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(21) "Incompatible waste" shall mean all pollutants other than compatible waste as defined herein.

(22) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(23) "Industrial discharger" means, for the purposes of this chapter and related documents, shall mean industrial user.

(24) "Industrial user" shall mean a source of discharge which introduces pollutants into the sanitary sewer from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. "Industrial user" shall also mean the owner or occupant of a premise used for a manufacturing plant.

(25) "Industrial wastewater" shall mean the liquid wastes resulting from the industrial and manufacturing processes and/or trade and business establishments.

(26) "Infiltration/Inflow (I/I)" shall mean the total quantity of water from both infiltration and inflow.

(27) "Inflow" shall mean water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

(28) "Interference" shall mean the inhibition or disruption of the sewer treatment system process or operations of which contribute to a violation of any requirement of the city's NPDES permit.

(29) "Major significant industrial user" shall mean any user, which meets or exceeds any of the following criteria:

(a) An industrial user, which discharges a waste whose characteristics are greater than any of the following:

| | |
|------------------|------------------------|
| Flow | 20,000 gallons per day |
| BODs | 33 lbs/day |
| TKN | 6 lbs/day |
| NH3-N | 3 lbs/day |
| Phosphorus | 2 lbs/day |
| Suspended solids | 33 lbs/day |
| Oil and grease | 8 lbs/day |

or, contributes a process waste stream, which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the city as defined in 40 CFR 403.12(a) on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40.CFR chapter I, subchapter N.

(c) All commercial users of EPA funded individual systems.

(d) Upon a finding that an industrial user meeting the criteria in the above sections of this definition has no reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a major significant industrial user.

(30) "May" is permissive; "shall" is mandatory.

(31) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a user by an instrument or device used for such purpose and approved by the city.

(32) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality.

(33) "National pretreatment standards or pretreatment standards" shall mean any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with section 307(b) and (c) of the act which applies to the industrial users.

(34) "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(35) "Pass through" shall mean the discharge of pollutants through the treatment system into a natural outlet in quantities or concentrations that are a cause of or significantly contributes to any violation of the NPDES permit, which includes pollutants subject to "national pretreatment standards: categorical standards."

(36) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(37) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter.

(38) "Pollutant" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(39) "Premise" means any structure or group of structures operated as a single business or enterprise provided, however, the term "premise" does not include more than one (1) dwelling.

(40) "Pretreatment" shall mean the treatment of wastewater by the user before introduction into the publicly owned system.

(41) "Pretreatment standards" shall mean all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500.

(42) "Process water" shall mean "industrial wastes" as described in this section.

(43) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles have a dimension no greater than one-half inch (1/2") which will be carried freely under the flow conditions normally prevailing in public sewers.

(44) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(45) "Residential user" means the owner or occupant of a dwelling.

(46) "Sanitary sewer" shall mean a sewer, which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(47) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(48) "Sewer" shall mean a pipe or conduit that carries sewerage.

(49) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated, and maintained by the city for sewage disposal purposes.

(50) "Shall" is mandatory; "may" is permissive.

(51) "Significant violations" are defined as:

(a) Violations of wastewater discharge limits.

(i) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).

(ii) Technical Review Criteria (TRC) violations are those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation(s) of effluent level (average or daily maximum) that the city believes has caused alone, or in combination with other discharges, interferences or pass through or endangered the health of the sewage treatment personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance scheduled milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining a final compliance by ninety (90) days or more after the scheduled date.

(c) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the city considers to be significant.

(52) "Slug" shall mean any discharge of water, sewage, or industrial waste, which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average of twenty-four (24) hour concentration or flow during the normal operation, and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(53) "Standard methods" shall mean Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(54) "State" shall mean the State of Tennessee.

(55) "Storm drain" (sometimes termed "storm sewer" shall mean a sewer, which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(56) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting there from.

(57) "Superintendent" shall mean the superintendent of sewage works and/or wastewater treatment plant of the city, or his authorized representative.

(58) "Suspended solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(59) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the EPA under the provisions of 33 USC 1317.

(60) "Treatment works" shall mean any device and system used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances, extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide reliable recycle supply such as standby treatment units and clearwell facilities, and any works, including land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment, including combined stormwater and sanitary sewer systems.

(61) "Twenty-four hour flow proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of the sample are proportional to the flow and combine to form a representative sample.

(62) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(63) "Useful life" shall be the estimated period during which a treatment works will be operated.

(64) "User" means any individual, firm, company, association, society, corporation, group, or premise receiving sewer service from the city.

(65) "User charge" shall mean a charge levied on users of the treatment works for the cost of operation and maintenance of such works.

(66) "Waste" shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(67) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the city's sewerage facilities together with any groundwater, surface water, and storm water that may be present.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation. (Ord. #541, Sept. 2008)

18-303. Abbreviations. (1) "ASTM" is the American Society for Testing and Materials.

(2) "BOD or Biochemical Oxygen Demand" of sewage or industrial waste shall designate its bio-chemical oxygen demand and shall mean the quantity of oxygen utilized in the bio-chemical oxidation of the organic matter of said sewage of industrial wastes under standard laboratory procedure in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter (mg/l). It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association (APHA), American Water Works Association (AWWA), and the Water Environment Federation (WEF).

(3) "CFR" shall mean the Code of Federal Regulations.

(4) "COD" shall mean chemical oxygen demand.

(5) "EPA" shall mean the United States Environmental Protection Agency.

(6) "Mg/l" shall mean milligrams per liter which is equivalent to parts per million.

(7) "NH₃-N" shall mean ammonia-nitrogen.

(8) "NPDES permit" or "national pollutant discharge elimination system" shall mean a permit issued to the city pursuant to section 402 of the Act.

(9) "OSHA" shall mean Occupational Safety and Health Administration.

(10) "POTW" or "Publicly Owned Treatment Works" shall mean a treatment works as defined by section 212 of the Act, which is owned in this instance by the city. This definition includes any sewer than conveys wastewater

to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment.

(11) "RCRA" shall mean Resource Conservation and Recovery Act.

(12) "SIC" shall mean standard industrial classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Department of Commerce, Bureau of the Census.

(13) "SWDA" shall mean the Solid Waste Disposal Act.

(14) "TDEC" shall mean the Tennessee Department of Environment and Conservation.

(15) "TKN" of sewage or industrial waste shall mean its total Kjeldahl nitrogen content. The quantity of TKN shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(16) "TSS" shall mean total suspended solids.

(17) "µ/l" shall mean micrograms per liter which is the equivalent to parts per billion.

(18) "USC" shall mean the United States Code.

(19) "WEF" is the Water Environment Federation, 601 Wythe Street, Alexandria, VA. 22314-1994. (Ord. #541, Sept. 2008)

18-304. Use of public sewers. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided and a federal or state discharge permit has been duly issued and is currently valid for such discharge.

(3) Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational, and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer is hereby required to install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this chapter, and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or

expensive and that alternative measures of disposal would not be hazardous to public health.

(5) Direct service connections made to the city's sewerage system shall be made only by persons duly authorized by the city.

(6) The sewers are constructed for the purpose of transporting sewage, not storm water. Any user of the sewerage system shall be responsible for the integrity of the pipes on his property, which connects to the sewerage system. If it is determined that the pipes owned by the user are faulty and in bad state of repair, such that extraneous storm water can enter the sewerage system, the city may require the user to repair his pipes. If the pipes are not repaired within thirty (30) days, service shall be terminated.

(7) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the superintendent. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the city for violation of any provision of this chapter or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The superintendent shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a truck discharge operation permit shall provide a manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall provide a bond in an amount sufficient to cover his potential liability for violating his permit.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit will

be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. #541, Sept. 2008)

18-305. Private sewage disposal. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary system is not available, or where such is otherwise permitted by this city code, city ordinances or regulations. (Ord. #541, Sept. 2008)

18-306. Building sewer permits, connections, and extension policies. (1) Sewer connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city. No connections outside the corporate limits of the city shall be made unless by contract signed by all parties and approved by action of the City Council of Lafayette.

(2) Cost of sewer connection. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) Users per connection. A separate and independent building sewer shall be provided for every building.

(4) Use of existing sewer connection. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) Public sewer specifications. The superintendent shall establish the city's specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers as may be imposed by the state and/or the EPA. These specifications may be modified by the superintendent as the need arises.

Developers desiring to make extensions or additions to the city's sewer system shall obtain approval of plans and specifications from TDEC. All public sewers connected to the city's sewer system shall be constructed in accordance with the city's specifications. The superintendent shall have the right to specify the size and type of pipe to be installed and to inspect the laying of said pipe and to refuse service if the installation is not made in accordance with acceptable construction practices.

(6) Safety. All excavations for sewer installation shall comply with all applicable OSHA standards so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(7) Illegal connections. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(8) Inspection of building sewers. The applicant for the building sewer permit shall notify the superintendent, or his representative, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the superintendent.

(9) Excavation. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public property disturbed in the course of the work, which shall be restored in a manner satisfactory to the city.

(10) Grease traps. All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line at the owner's expense. The city shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the city sewer. If the city employees are required to clean out the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with § 18-307 "prohibitions and limitations on wastewater discharge" of this chapter.

(11) Sewer extensions. (a) The city shall permit the orderly extension of its sanitary sewer system to provide sewer service of adequate capacity to unsewered properties and to properties not served by sewers of adequate capacity following the comprehensive plan and policies of the city for sewer system expansion.

(b) No person shall undertake to extend city sanitary sewer service to his property without entering into a sewer extension contract with the city.

(c) In order for a property to be approved for a connection to the city system, the capacity, location, and design of the proposed sewer extension shall conform to the city's comprehensive plans and policies for extension of the sanitary sewer system.

(12) Internal sewers and upstream properties. (a) The owner/developer or his successors in title or assigns shall, at the time of developing the property covered in the sewer extension contract, construct all internal sanitary sewers necessary to serve the property at their sole expense.

(b) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of

the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the city, will become part of the community system, without cost to the city and will then be maintained by the city. Connections with existing mains may be made only by the city, at the user's expense, and after inspection of service lines to ensure conformance with requirements of the building permit and the avoidance of any health hazard or interference with the existing system.

(c) The owner/developer shall grant permanent sanitary sewer easements and temporary construction easements to the city at no cost for future extension of the sanitary sewers through the property covered by the sewer extension contract to serve upstream properties. The sewer easement alignment shall be recommended by the owner/developer and be subject to the approval of the city. Acceptance of the sanitary sewer easements does not impose upon the city any obligation or responsibility to participate in the cost of or construct sanitary sewers within the easements.

(13) Notification to city prior to covering of work underground: final inspection. The applicant for the building sewer permit shall notify the city before covering portions of the work to be underground, and when the building sewer is ready for final inspection, and connection to the public sewer. The connection and testing shall be made under supervision of the superintendent or his representative.

(14) Guarding of excavations posing hazard to public: restoration of public property; posting of bond. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. The posting of a bond of appropriate value may be required to safeguard the interest of the city with regard to damage to public property. (Ord. #541, Sept. 2008)

18-307. Prohibitions and limitations on wastewater discharge.

(1) Special agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specifically treated subject to any payments or user charges as may be applicable. This special agreement shall be implemented by a "major industrial discharge permit," reference § 18-302(29). The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the sewage works to handle such wastes without interfering with unit operations or sludge use and handling

or allowing the pass through of pollutants, which would result in a violation of the NPDES permit.

(2) Prohibitions on wastewater discharge. No person shall discharge or cause to allow to be discharged into the city's sewerage facilities, or any connected treatment facilities, any waste that contains any of the following:

(a) Unpolluted waters. This includes uncontaminated storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, to a storm sewer, or natural outlet.

(b) Fats, oils and grease. Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit (0 degrees and 56 degrees Centigrade) at the point of discharge into the system.

(c) Explosive mixtures. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, waste streams with a closed cap flash point of less than one hundred forty degrees (140°) F or sixty degrees (60°) C using the test method specified in 40 CFR 261.21, and any other substances which the city, state or EPA has notified the user is a fire hazard or a hazard to the system.

(d) Noxious materials. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(e) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles are one-half inch (1/2") or less and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(f) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and

which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(g) Solid or viscous wastes. Solid or viscous wastes, which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(h) Excessive flow/concentration rate. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency, or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the EPA pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols, or any other substances, which are not susceptible to treatment of, which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system, which would cause the POTW to exceed its NPDES permit limits.

(j) Discolored materials. Any wastewater causing discoloration of the POTW effluent such as, but not limited to, dye wastes or vegetable tanning solutions, in sufficient quantity to cause such discoloration of the POTW effluent.

(k) Pretreatment enzymes. Chemical pretreatment shall be limited to products containing salmonella-free bacteria and enzymes in a stable, homogeneous liquid form. The material shall contain or produce enzymes and a biosurfactin to emulsify grease and oils and must enhance digestion. The addition of the pretreatment chemical shall be at an approved dosing rate and schedule. All products must be preapproved by the sewer superintendent.

(l) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances, which will react with water to form acidic products.

(m) Thermal discharge. Heat in amounts which will inhibit biological activity in the POTW or cause damage to the sewerage system resulting in interference, but in no case heat in such quantities that the temperature at the point of discharge exceeds forty degrees (40°) Centigrade (104° Fahrenheit). A higher temperature may be allowed in the users wastewater discharge permit.

(n) Human hazard. Any wastewater which causes hazard to human life or creates a public nuisance.

(o) Trucked or hauled wastes. Any trucked or hauled pollutants, except at discharge points designated by the city.

(p) Other. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(3) Limitations on wastewater discharges. (a) No person shall discharge, convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

(i) Not be amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(ii) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.

(iii) Violate national pretreatment standards as promulgated by the EPA with appropriate effective dates.

(iv) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Environment and Conservation permit, or other applicable receiving water standards.

(v) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater, which may be established by the city.

(b) If the wastewater influent to the treatment plant creates adverse effects, or interferes with any wastewater treatment or collection processes, creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards, the city shall establish

industrial wastewater effluent limits as deemed necessary. (Ord. #541, Sept. 2008)

18-308. Control of prohibited wastes. (1) Regulatory actions.

Disposal into the sewer system by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA), and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and contain the substances or possesses the characteristics enumerated in § 18-307, "prohibitions and limitations on wastewater discharge" or the criteria established by the federal government on discharge of toxic and hazard materials or violates, the treatment facilities protection criteria, and which in the judgment of the superintendent and/or TDEC Division of Water Quality Control, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Require a "major industrial discharge permit" as described in § 18-311 of this chapter.

(b) Prohibit the discharge of such wastewater; this includes the right to disconnect the user's connection with sewer system, under § 18-311.

(c) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(d) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(e) Require grease, oil, and sand interceptors (separation facilities) when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(f) Require the person making, causing, or allowing the discharge to pay an additional cost or expense incurred by the city for handling and treating excess loads imposed on the treatment system.

(g) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the city, plans, specifications and other pertinent data or

information relating to such pretreatment of flow-control facilities shall be submitted to the superintendent for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the superintendent.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities, and operating procedures to provide this protection, shall be approved by him before construction of the facility, except as provided in the "major industrial discharge permit." Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(5) Reporting of accidental discharge. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the superintendent so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the accidental discharge.

(6) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the superintendent or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

- (a) Copying any records required to be kept under provisions of this chapter;
- (b) Inspecting any monitoring equipment or method; and
- (c) Sampling any discharge of wastewater to the treatment works.

The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or TDEC representatives may also enter upon properties or premises but only when accompanied by the superintendent.

(7) Personal injury. While performing the necessary work on private properties referred to in this chapter, the superintendent or duly authorized

employees of the city, shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to the city employees, and the city shall indemnify the user against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions. (Ord. #541, Sept. 2008)

18-309. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the parameters listed in the discharge permit as authorized under § 18-311 "permits" are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF; Methods for Chemical Analysis of Water and Waste, published by the EPA; or the Annual Book of Standards, Part 23, Water, Atmosphere Analysis, published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the city and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the city.

(2) Control manhole. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The city shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge. (Ord. #541, Sept. 2008)

18-310. Industrial self-monitoring requirements. In order to effectively administer and enforce and provisions of these regulations, the city shall require any industrial discharger to comply with any or all of the following requirements:

(1) Discharge reports. The city shall require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge.

(2) Monitoring programs. The city may require of users such technical or monitoring programs, including the submission of periodic reports, as he deems necessary. The industrial discharger shall pay all applicable charges for

the monitoring program, in addition to the sewage disposal and other charges established by the city. The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the city to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the city that he has the necessary qualifications and facilities to perform the work; or

(b) Engage a private laboratory, approved by the city.
(Ord. #541, Sept. 2008)

18-311. Permits. (1) Wastewater discharge permit required All major industrial users, as defined in § 18-302(29), proposing to connect to or discharge into the sanitary sewer system must first obtain a wastewater discharge permit. All existing major industrial users connected to or discharging to any part of the city's sanitary sewer must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter. The superintendent has final authority on who qualifies as a "major industrial user."

(2) Septic tank permit required. All persons within the city's corporate limits, who intend to provide septic tanks for sewage disposal, shall make written request to the city for a septic tank permit. Upon receipt of the written request, the city shall determine whether the applicant is unable to connect to the city's system, or whether other conditions exist as provided herein which would allow the use of a septic tank; if so, the permit may be granted, conditioned upon proper installation in accordance with applicable standards, and such other requirements as necessary to protect the public health and safety.

(3) Permit application. Major industrial users seeking a wastewater discharge permit shall complete and file with the city an acceptable application in the form prescribed by the city, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and Standard Industrial Classification (SIC Manual, U. S. Department of Commerce, Bureau of the Census,) number of applicant;

(b) Volume of wastewater to be discharged;

(c) Wastewater constituents and characteristics including, but not limited to, those mentioned in § 18-307 "prohibitions and limitations on wastewater discharges" as determined in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater;

(d) Location of discharge point(s), accompanied with appropriate sketches;

(e) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;

(g) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials, which are or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Any other information that may be defined by the city for reasonable evaluation of the permit application. The receipt by the city of a prospective user's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the application of such service.

(k) The person or persons signing the application must also include a certification statement on company letterhead, dated and signed, worded as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits may include but not necessarily limited to the following:

(a) The average and maximum wastewater constituents and characteristics;

(b) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(c) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs;

(d) All plant records, analyses, and reports relating to the wastewater discharges shall be submitted to the city within thirty (30) days of their completion. The certification statement in § 18-311(3)(k) above must also accompany these reports, analyses, and plant records submitted to the city by the industry. These reports shall be retained by the industry a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by TDEC. All analyses shall be performed in accordance with 40 CFR 136;

(e) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;

(f) Compliance schedules; and

(g) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(5) Duration of permits. Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. If the user is not notified by the city within thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements as identified herein before are modified and changed. The superintendent shall be notified in writing ninety (90) days prior to the expiration of the permit by the user of any requested modifications of the user's permit. The user shall be informed of any proposed changes in his permit no less than sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. An expired permit will continue to be effective and enforceable up to ninety (90) days until the permit is reissued if:

(a) The user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

(b) The failure to reissue the permit, prior to expiration of the previous, is not due to any act or failure to act on the part of the user.

(c) An extension is granted, in writing, by the superintendent by the expiration date of the permit.

(6) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premise, or a new or changed operation.

(7) Revocation of permit. Any user who violates the conditions of the permit or the provisions of this chapter, or of applicable state and federal

regulations is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include but are not limited to the following:

- (a) Failure of a user to factually and accurately report the wastewater constituents and characteristics of his discharge;
- (b) Obtaining a permit by representing or failing to disclose fully all relevant facts;
- (c) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (e) Violation of the conditions of the permit.

(8) Permit appeal procedures. An industry shall have the right to appeal all items established in the discharge permit. The procedure shall be as follows:

(a) A written notice signed by the person in charge of the industry seeking an appeal hearing shall be delivered by registered mail to the superintendent outlining the permit provisions, which the user wishes to appeal. The superintendent shall then have sixty (60) days from the time of receipt of the notice to notify TDEC and the city council that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions that in the judgment of the user are inappropriate may be appealed to the city council by filing a written notice with said city council within fourteen (14) days after completion of the first hearing. The city council shall have then forty-five (45) days in which to notify TDEC that a grievance still exists, and to convene a meeting of the city council to hear all unresolved grievances and issue appropriate decisions. The user and/or superintendent shall have the right to appeal any and all decisions to TDEC. Exemptions or variances of the protection criteria established for the system shall not be granted during this appeal procedure. Failure to petition for reconsideration of this permit within sixty (60) days of receipt of the permit is deemed a waiver by the permittee of his/her right to challenge the terms of the permit.

(b) The city retains the right to deny or condition pollutants that do not meet pretreatment standards or would cause a violation of the city's NPDES permit. (Ord. #541, Sept. 2008)

18-312. Enforcement procedures. (1) Enforcement guide. Whenever the superintendent finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, he will initiate the appropriate enforcement.

(2) Notification of violation. Whenever the superintendent, or his representative, finds that any user has violated or is violating provisions of this

chapter, a wastewater discharge permit or order issued hereunder, the superintendent, or his representative, may serve upon said user written notice of the violation. Notice may be served on the owner, user, and/or permit holder by certified mail, return receipt requested, or any other means of communication that the city has available to notify the party of said violation and the need for corrective action. Within five (5) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future violations, including specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(3) Administrative orders. Whenever the superintendent finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, the superintendent may issue an administrative order to direct users not complying with such prohibitions, limits, requirements, or provisions to take any or all of the following measures:

- (a) Comply forthwith or in accordance with a time schedule set forth by the superintendent;
- (b) Take appropriate remedial or preventive action in the event of a threatened violation;
- (c) Surrender his applicable user's permit if ordered to do so after a show cause hearing;
- (d) Pay a civil penalty and/or damages; and/or,
- (e) Such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(4) Cease and desist order. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the superintendent, or his representative, may issue an order to cease and desist, and direct the user to comply forthwith within a specified time schedule, or to take appropriate remedial or preventative action in the event of a threatened violation.

(5) Injunction. Whenever a user has violated or continues to violate the provisions of this chapter, a discharge permit or order, the city may petition the chancery court for the issuance of a preliminary or permanent injunction. or both, as may be appropriate in restraining the continuance of such discharge.

(6) Termination of service. Termination of service for failing to pay the monthly sewer bill shall be handled in accordance with § 18-314 "provision of service." All other violations for which termination of service is deemed necessary shall be administered according to this section.

Violation of the user's application or agreement for service and failure of payment of any obligation due to the city shall be termed grounds for termination of service. Prior to termination of service for violation of the application or agreement or nonpayment, the superintendent shall notify, in writing, the owner and/or tenant, if any, that service is intended to be so terminated and afford the owner and/or tenant the opportunity to request a hearing thereon if such request is made in writing five (5) days of receipt of notice. However, in the event of an emergency that, in the opinion of the superintendent, threatens harm to the facilities or endangers the public's health, the superintendent may immediately take action to terminate service to the property.

The superintendent may immediately suspend sewer service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge, which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes or may cause interference at the POTW treatment plant or causes or may cause the city to violate any conditions of its NPDES permit.

Any person notified of an emergency suspension of sewer service and/or a wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the emergency suspension order, the superintendent shall take such steps as deemed necessary, including immediate disconnection of water service or severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. A hearing shall be held by the superintendent within twenty-four (24) hours of an emergency disconnection order to allow the user an opportunity to demonstrate to the city that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists. The superintendent shall reinstate sewer service and/or the wastewater discharge permit upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the superintendent within five (5) days of the date of occurrence.

Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one user or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such user or tenant. Discontinuance of service by the superintendent for any cause stated in this chapter shall not release the user from liability for service already received or from liability for payment that thereafter become due under the minimum bill provisions or other provisions of the user's agreement.

(7) Legal action. Upon any indication of a lack of response to a duly issued enforcement action, the matter will be referred to the city attorney for appropriate legal action.

(8) Fines and penalties. Each and every day in which a violation occurs or continues shall be deemed a separate offense. Any fine or penalty provided for in this chapter shall be in addition to damages to which the city may be entitled, pursuant to other provisions of this chapter and as may otherwise be provided by law.

(9) Failure to comply. The issuance of a notice of violation, administrative order, or compliance schedule shall not relieve the recipient of any penalties or fines that result from failure to comply with the provisions of this chapter.

(10) Notification to public. The superintendent shall publish, at least annually, in the local newspaper, a description of major industrial users' violations that have occurred since the last publication.

(11) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated if deemed necessary by the superintendent.

(12) Correction of violation. In order to enforce the provisions of this chapter, the superintendent, at his discretion, shall have the authority to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the user violating this chapter or the owner and/or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(13) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(14) Compliance schedules. When the superintendent finds that a discharge of wastewater is, or has been, taking place in violation of prohibitions or limitations prescribed in this chapter or the wastewater discharge permit requirements, or otherwise finds a violation of this chapter, the superintendent may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(15) Civil penalties. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued or who discharges wastewater which causes pollution or violates any order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be subject to the penalties and procedures provided for in "The Tennessee Water Quality Control Act of 1977," Tennessee Code Annotated, §§ 69-3-101 through 129, as amended.

(16) Criminal penalties. Any person who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(17) Falsifying of information. Any person or user who knowingly makes any false statements, representation, record, report, plan or other document filed with the superintendent or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required under this chapter is hereby declared to be in violation of this chapter section and subject to the civil and/or criminal liabilities. (Ord. #541, Sept. 2008)

18-313. Sewer fees and charges. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the city council, which will enable the city's sewerage facilities to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the city's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

(2) Classification of user. All users are to be classified by the superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by analyzing each individual user, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees, which will insure an equitable recovery of the city's cost.

(3) Type of charges and fees. The charges and fees established by the city may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring, maintenance, and analysis;
- (c) Fees for permit applications;
- (d) Surcharge fees;
- (e) Discharge permit fees;
- (f) Charges and fees based on wastewater constituents and characteristics;
- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative costs related to the pretreatment program;
- (i) Fees for monitoring, inspection, and surveillance procedures;
- (j) Fees for reviewing accidental discharge prevention procedures and construction;

(k) Fees for allowing connection of building sewers to the POTW.

(4) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedures provided in this chapter.

(5) User charge system. (a) Actual use. The User Charge System (UCS) shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(b) Financial management system. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(c) Use of revenue revenue derived from the wastewater system, including but not limited to, sale of treatment-related by products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(d) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations requiring this chapter.

(e) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts between the city and users that are inconsistent with the requirements of this chapter.

(6) Charge structure. (a) Classification of users.

Class 1: those residential and commercial users whose discharge is considered to be treatable with normal practices. (C1)

Class 2: those industrial or other users whose average biochemical oxygen demand (BOD) is 250 milligrams per liter (mg/l) by weight or less, and whose suspended solids (SS) discharge is 300 mg/l by weight or less. (C2)

Class 3: those industrial users whose average BOD exceeds 250 mg/l concentration by weight and/or whose SS exceeds 300 mg/l concentration. (C3)

Class 4: a discharge received from a truck, which requests discharge privileges in accordance with city policy. (C4)

Class 5: a discharge received from a recreational vehicle in accordance with city policy. (C5)

(b) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the

services supplied by the wastewater system. These charges shall be based upon the most categories described as operation, maintenance, and replacement (OMR); interest (I), and principal repayments or depreciation, whichever is greater (P).

(i) Each user who falls under Class 1 shall pay a minimum charge for usage less than one thousand (1,000) gallons. For usage over one thousand (1,000) gallons, there shall be a surcharge for each one thousand (1,000) gallons over the one thousand (1,000) gallon minimum.

(iii) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined by the following formula:

$$C1 = OMR + I + P/\text{Total gallons treated}$$

(iii) Additional treatment cost. In addition to the volumetric charge, all Class 2 users discharging wastewater with a strength greater than domestic sewerage (BOD of 250 mg/l, SS of 300 mg/l) will be assessed an additional treatment charge (ATC) based on the following formula:

$$ATC = U (B) T (B)/B + U (S) T (S)/S$$

Where:

U(B) = BOD loading in excess of 250 milligrams per liter.
T(B) = Treatment costs assigned to BOD (includes debt service, operation, maintenance, and replacement costs).

B = Total BOD loading or BOD capacity of treatment plant, whichever is less.

U(S) = Suspended solids loading in excess of 300 mg/l.

T(S) = Treatment costs assigned to suspended solids (includes debt service, operation, maintenance, and replacement costs).

S = Total suspended solids loading or suspended solids capacity of treatment plant, whichever is less.

Sampling frequency for determination of the ATC will be specified in the pretreatment permit.

(iv) All users who fall under Class 4 shall pay a single charge for each separate discharge accepted from a truck.

(v) All users who fall under Class 5 shall pay a single charge for each separate discharge accepted from a recreational vehicle.

(vi) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted downward if a user does not discharge it to the public sewers (i.e., filling swimming pools or industrial heating). The user shall be

responsible for documenting the quantity of wastewater actually discharged to the public sewer.

(c) The sewer use service charge for normal domestic wastewater is based on the wastewater discharge to the Lafayette sewer system as measured by the public water supply meter or meters, and/or by any supplementary meter or meters, necessary to measure the amount of water discharged. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. The city also reserves the right to require metering of any water discharged into the sewer system.

The minimum charges referred to below shall be assessed to all users regardless of whether they are serviced by an individual or a master water meter, or regardless of whether they are connected to the sewer as long as sewer service is considered to be available. The sewer use service charge will be collected from the person billed for water service to any premise with an assessable sanitary sewer. The sewer service charge shall be added to and combined with the water service charge. Both charges shall be collected as a unit; no employees shall receive payment for water service charges from any customer without receiving at the same time payment for all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

(d) (i) The sewer use service charge, within the corporate limits of Lafayette, shall be:

(A) First one thousand (1,000) gallons of water usage (minimum bill) will be fourteen dollars and thirty-nine cents (\$14.39).

(B) Over one thousand (1,000) gallons of water usage shall be nine dollars and eighty-four cents (\$9.84) per one thousand (1,000) gallons.

(ii) The sewer use service charge, outside the corporate limits of Lafayette; shall be:

(A) First one thousand (1,000) gallons of water usage (minimum bill) shall be twenty-eight dollars and seventy-seven cents (\$28.77).

(B) Over one thousand (1,000) gallons of water usage shall be nineteen dollars and sixty-eight cents (\$19.68) per one thousand (1,000) gallons.

(7) Connection fees. No permit to connect to any public sewer or appurtenance thereof shall be granted unless the applicant first pays to the city a sewer connection fee as follows:

(a) For residential users, the sewer connection fee shall be one thousand dollars (\$1,000.00) for single family residence, two thousand

dollars (\$2,000.00) for a duplex, three thousand dollars (\$3,000.00) for a triplex, and four thousand dollars (\$4,000.00) for a quadplex. Apartments shall be one thousand dollars (\$1,000.00) each up to four (4) units, and five hundred dollars (\$500.00) each additional unit.

(b) For commercial and industrial users, schools and hospitals, the sewer connection fee shall be five hundred dollars (\$500.00) per restroom.

(c) In addition to the above fees, if the city is required to bore under a street, road, or highway, or cross a street, road, or highway to make connection or to make a connection available, there will be an additional fee of one hundred fifty dollars (\$150.00) plus the cost of the line. When performed by city workforce and equipment.

(d) In special circumstances requiring contracted services to make a connection, addition fees may be added for the cost of materials and labor incurred to make the connection available.

(e) All applicants for water service to any premise with an assessable sanitary sewer, shall deposit with the municipality prior to such connection, a non-refundable sewer processing fee. For residential property owner sewer customers, the non-refundable processing fee shall be twenty dollars (\$20.00). For residential renters or lessees, the non-refundable sewer processing fee shall be forty dollars (\$40.00). For commercial and industrial sewer customers shall be one hundred dollars (\$100.00).

(8) Holding tank waste dischargers. Private contractors dumping septic tank waste into the system shall be subject to the following fees:

(a) Private contractors are subject to approval of an annual permit and payment of the permit fee of one hundred dollars (\$100.00) each year.

(b) Septic tank waste into the wastewater treatment plant shall pay a charge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons or portions thereof to the city.

(c) Persons dumping other holding tank waste must provide an analysis and pay a charge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons or portion thereof plus any applicable surcharge as contained in § 18-313(6)(b)(v).

(9) Other charges. (a) Termination of service. Whenever service has been discontinued by the city for any reason set forth in this chapter, a trip is made for the purpose of discontinuing service for any such reasons, a charge of fifteen dollars (\$15.00) will be assessed.

(b) Restoration of service. Whenever service has been discontinued by the city for any reason set forth in this chapter a charge will be assessed to restore service. This charge will be fifteen dollars (\$15.00).

(10) Inspection fees. (a) An inspection fee for a customer's new service line or repair of an old service line shall be fifty dollars (\$50.00).

(b) A service charge of fifty dollars (\$50.00) will be assessed if the customer has a problem on his side of the service connection without being verified by a plumber.

(11) Review of rates and charges. Annually, prior to the adoption of the city's next fiscal year budget, the mayor and sewer superintendent will review the user charges along with the budget process and recommend any revised rates to the city council necessary to ensure that adequate revenues are generated to pay operation and maintenance costs (O&M), including loan amortization and/or depreciation. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes. The rates shall be set in a resolution passed by the city council.

(12) Billing. All bills for sewer service will be rendered monthly as a part of the regular monthly water billing and shall be computed using the applicable rates or charges in effect at the billing date. Billings will be computed and stated on a net and a gross basis. Such billings shall be payable in the net amount only if paid within the discount period stated on the bill; otherwise the bill is payable in the gross amount. All sewer customers shall be governed by the provisions of § 18-113 in this code. The city shall not be liable for damages on account of such discontinuance of service, even though payment of such bills be made on the same day either before or after service is actually discontinued. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the city by such user.

(a) Point of delivery - water service. The sewer service rates are based upon the supplying water service to an entire premises through a single delivery and metering point. If water service is rendered to any user or premise through more than one (1) delivery point, the city will bill each such delivery point as a separate service.

(b) Multiple service through a single meter - water. Where the city, as distributor of water, allows more than one dwelling or premise to be served through a single service line and meter, the monthly water billing for each such dwelling or premise will be computed in accordance with the rules and regulations for the distribution of water. The sewer service charge for each such dwelling or premise thus served shall then be computed at the city's applicable sewer service charge rates. (Ord. #541, Sept. 2008, as amended by Ord. #558, Jan. 2009, Ord. #587, Dec. 2010, Ord. #597, June 2011, Ord. #653, Dec. 2013, Ord. #655, Jan. 2014, and Ord. #681, April 2016)

18-314. Provision of service. (1) Application for service. Prior to use of the POTW, prospective users shall be required to sign an application for

service and/or the city's standard form of contract before service is supplied. Users requiring the installation of special equipment by the city may be required to sign a form or contract guaranteeing a minimum charge for such period of time as may be required by the city, but, in the absence of a completed application or contract, the usage by the user shall bind the user to the terms of the city's standard form of application. If for any reason user, after signing application or contract for services, does not take the service, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

(2) Temporary service. Any user requiring temporary service may be required to pay all costs as determined by the city for connection and disconnection incidental to the supplying and removal of service in addition to the regular sewer rate charges.

(3) Discontinuance of service. The city, as the distributor of water, may disconnect its water service and may refuse to reconnect water service for a violation of this chapter, for failure to comply with any of its water rules and regulations, for violation of any provision of the user's application or contract with the city for sewer service furnished. Discontinuance of water service by the city for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for payments that thereafter become due under the provisions of any contract between the user and the city.

(4) Termination of service by customer. Users who have fulfilled their contract terms and wish to discontinue service must give a least five (5) days' written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract terms will not relieve user from any minimum or guaranteed payment under contract or applicable rate schedule.

(5) Notice of trouble. User shall notify the city immediately of any known defects, trouble, or accident affecting the sewerage system.

(6) Scope. These rules, regulations, and rate schedules are a part of all contracts for receiving sewerage service from the city and apply to all services received from the city whether the service is based upon contract, signed application, or otherwise. (Ord. #541, Sept. 2008)

18-315. Private lift stations. When a sewer lift station is installed by an owner on real estate, that owner of the real estate shall maintain the sewer lift station at all times. In the event that the owner sells the real estate, all successor owners of the real estate shall maintain the sewer lift station located on the property. (Ord. #606, Nov. 2011)

18-316. Validity. (1) The provisions of this chapter shall supersede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Lafayette.

(2) It is hereby declared the intention of the City Council of Lafayette that sections, paragraphs, sentences, clauses, and words of this chapter are severable, and if any such section, paragraph, sentence, clause, or words be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional section, paragraph, sentence, clause of word. (Ord. #541, Sept. 2008)

CHAPTER 4

SEWER USE REGULATIONS: DISCHARGES OF FATS, OILS AND GREASE

SECTION

- 18-401. Purpose.
- 18-402. Definitions.
- 18-403. Control plan for FOG and food waste.
- 18-404. General criteria.
- 18-405. Design criteria.
- 18-406. Enforcement and penalties.
- 18-407. Validity: conflict.

18-401. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant, which interferes with the operations of the system, causes blockage and plugging of pipelines, interferes with normal operation of pumps and their controls, and contributes waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (Ord. #540, July 2008)

18-402. Definitions. (1) "City." The "city" shall mean the City of Lafayette or the City Council of Lafayette.

(2) "Fats, Oils, and Greases (FOG)." "Fats, oils, and greases" means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease," "greases," or "FOG."

(3) "Food Service Establishments" or "FSE." "Food service establishments" means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a consumable food product in or on a receptacle requiring washing to be reused.

(4) "Grease trap." A "grease trap or interceptor" means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that

subject users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(5) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the city.

(6) "Superintendent." The "superintendent" shall mean the Superintendent of Sewage Works and/or Wastewater Treatment Plant of the City of Lafayette, or his authorized representative.

(7) "User." A "user" includes property owners who provide common interceptors for one (1) or more independent establishments, including tenants. (Ord. #540, July 2008)

18-403. Control plan for FOG and food waste. (1) Any new construction, renovation, or expansion of Food Service Establishments (FSE) shall be required to submit to the city, a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing FSE shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this chapter. (Ord. #540, July 2008)

18-404. General criteria. (1) Installation requirements. All existing, proposed, or newly remodeled FSE inside the city wastewater service area shall be required to install, at the user's expense, an approved, properly operated, and maintained grease trap.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains that discharge or have the potential to discharge grease shall be connected to the grease trap.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge detergents and hot water that can dissolve grease and allow it to pass through an undersized grease trap. Traps must be

sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(6) Location. Grease traps shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the city.

(7) Pass through limits. No user shall allow wastewater discharge concentration from grease trap to exceed one hundred (100) milligrams per liter (mg/l) as identified by the Environmental Protection Agency (EPA) method 413. (Ord. #540, July 2008)

18-405. Design criteria. (1) Grease trap installation, maintenance, recordkeeping, and grease removal. A grease trap shall be installed and maintained at the user's expense, when a user operates a FSE. Grease traps may be required in non-cooking or cold dairy and frozen foods establishments and other industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the superintendent determines a grease trap is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the superintendent that the user is subject to the terms of an enforcement action, as stipulated in the FOG program manual, said user shall not allow wastewater discharge concentration from subject grease trap to exceed an established action level of one hundred (100) mg/l, expressed as hexane extractable material. All grease traps shall be of a type, design, and capacity approved by the superintendent and shall be readily and easily accessible for maintenance and repair, including cleaning and for city inspection. All grease traps shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease trap, but not less often than every sixty (60) days or as permitted in a valid program modification. Users who are required to pass wastewater through a grease trap shall:

(a) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the grease trap being allowed for any food-derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified hereafter as a solids blanket and grease cap respectively.

(b) Remove any accumulated grease cap and solids blanket as required, but at intervals of not longer than sixty (60) days at the user's expense, or in accordance with a valid program modification or other superintendent's requirements. Grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating

utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease trap.

(c) The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons. If the calculated capacity exceeds three thousand (3,000) gallons, multiple units plumbed in series shall be installed.

(d) The user at their own expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the city's pass through limits. The maintenance of the grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.

(e) All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program.

(f) If the user performs on-site grease trap treatment pursuant to a modification granted under § 18-405(1)(f)(vii) below, user shall:

(i) Prior to commencement of onsite treatment, obtain written approval by and from the superintendent of all processes utilized in said onsite treatment.

(ii) If any pumped wastes or other materials removed from the grease trap are treated in any fashion on-site and reintroduced back into the grease trap as an activity of and after such on-site treatment, the user shall meet the criteria contained in § 18-405(1)(f)(iii) below.

(iii) Attain and adhere to the criteria listed below:

(A) After thirty (30) minutes of settling time, not more than 3.0 mg/l of settleable solids, as measured in a one (1) liter Imhoff cone shall be allowed, and;

(B) Within and not more than twenty-four (24) hours after onsite grease trap servicing, not more than two inches (2") of settleable solids and/or grease shall be allowed to have accumulated therein as a result of said operations.

(C) Service vehicles and equipment used in onsite grease trap servicing shall be registered with the city, and as required by the Tennessee Department of Environment and Conservation (TDEC).

(D) When servicing grease trap service vehicles and equipment shall have onboard, at all times, a certificate

of approval for the operations and methods used, issued by the superintendent.

(E) Any tanks, tankage, or vessel(s) associated with a modification shall be empty upon arrival at the initial FSE user site for which this modification is intended to be applied.

(iv) Operate and maintain the grease trap to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease trap must meet the terms of numerical limit attainment described in § 18-405(1)(f)(iii). If a user documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease trap on the exterior of the establishment, the user may request an interior location for the grease trap. Such request shall contain the following information:

(A) Location of city sewer main and easement in relation to available exterior space outside building.

(B) Existing plumbing layout at or in a site.

(C) A statement of understanding, signed by the user or authorized agent, acknowledging and accepting conditions superintendent may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.

(D) Such other information as may be required by the superintendent.

(v) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the superintendent. Any user using biological or other additives shall maintain the trap in such a manner that attainment of any grease wastewater, action level, solids blanket or grease cap criteria, goal or directive, as measured from the grease trap outlet or interior, is consistently achieved.

(vi) Chemical treatment such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

(vii) The use of automatic grease removal systems is permissible only upon prior written approval of the superintendent. Any user using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved as required by the superintendent.

(viii) The superintendent may make determinations of grease trap adequacy need, design, appropriateness, application,

location, modification(s), and conditional usage based on review of all relevant information regarding grease trap performance, facility site and building plan review by ail regulatory reviewing agencies and may require repairs to, or modification or replacement of grease traps.

(2) The user shall maintain a written record of grease trap maintenance for three (3) years. All such records will be available for inspection by the city at all times. These records shall include:

- (a) FSE name and physical location.
- (b) Date of grease trap service.
- (c) Time of grease trap service.
- (d) Name of grease trap service company.
- (e) Name and signature of grease trap service company agent performing said service.
- (f) Established service frequency and type of service: full pump out, partial pump out, on-site treatment (type or nature of operations).
- (g) Number and size of each grease interceptor serviced at FSE location.
- (h) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease trap.
 - (i) Total volume of waste removed from each grease trap.
 - (j) Destination of removed wastes, food solids, and wastewater disposal.
- (k) Signature and date of FSE personnel confirming service completion.
- (l) Such other information as required by superintendent.

(3) The user shall be required to submit maintenance records to the city annually. Records shall be submitted on March 1st for the previous year, ending December 31st. Submit records to: Sewer Superintendent, City of Lafayette, 200 East Locust Street, Lafayette, TN 37083.

(4) No nongrease-laden sources are allowed to be connected to sewer lines intended for grease trap service.

(5) All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the superintendent) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the superintendent shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent inflow of detergents and rainwater into the

wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the superintendent.

(6) Access manholes shall have an installed diameter of twenty-four inches (24"), a maximum weight of fifty (50) pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease trap shall also be, at a minimum, twenty-four inches (24") in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(7) A user may request a modification to the following requirements of this chapter. Such request for a modification shall be in writing and shall provide the information set forth below.

(a) The user's grease trap pumping frequency. The superintendent may modify the sixty (60) day grease trap pump out frequency when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the superintendent. Proposed alternatives may include grease trap pumping or maintenance matters, bioremediation as a complement to grease trap maintenance, grease trap selection, and sizing criteria, onsite grease trap maintenance, and specialized ware washing procedures.

(b) Grease trap maintenance and service procedures. The superintendent may modify the method(s) or procedure(s) utilized service a grease trap when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate method or procedures and such can be substantiated by the superintendent. If a modification to maintenance and service procedures is permitted, it shall be a conditional discharge permit approval.

(c) Any modification must be approved by the superintendent in written form before implementation by the user or the user's designated service provider. (Ord. #540, July 2008)

18-406. Enforcement and penalties. Any person who violates this chapter, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code. Each day's violation of this chapter shall be considered a separate offense. (Ord. #540, July 2008)

18-407. Validity: conflict. If any provision, paragraph, word, or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be

affected and shall continue in full force and effect. All other code sections, ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (Ord. #540, July 2008)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.² The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1973 Code, § 13-301)

¹Municipal code references
Electrical code: title 12.
Utility commission: title 2, ch. 1.

²The agreements are of record in the office of the city recorder.

CHAPTER 2¹

GAS

SECTION

- 19-201. Monthly charges.
- 19-202. Billing.
- 19-203. Delinquent bills.
- 19-204. Tampering with meters, reconnecting service, etc.
- 19-205. Gas non-refundable connection fee.
- 19-206. Curtailment of gas.
- 19-207. Fees.
- 19-208. Extensions.

19-201. Monthly charges. The following, except as hereinafter provided, shall be the schedule of monthly charges for the natural gas and services furnished by the natural gas system of the City of Lafayette, Tennessee, to wit:

- (1) All gas users inside the corporate limits:

Residential rates:

\$10.00 minimum per month

Charge per cu. ft. - The city's actual cost for the natural gas plus \$1.97 per M.C.F.

Commercial rates:

\$10.00 minimum per month

Charge per cu. ft. - The city's actual costs for the natural gas plus \$2.37 per M.C.F.

- (2) All gas users outside the corporate limits:

Residential:

\$10.00 minimum per month

Charge per cu. ft. - The city's actual cost for the natural gas plus \$3.23 per M.C.F.

Commercial rates:

\$10.00 minimum per month

Charge per cu. ft. - The city's actual cost for the natural gas plus \$3.73 per M.C.F.

Industrial rates:

\$25.00 minimum per month

¹Municipal code reference
Gas code: title 12.

Charge per cu. ft. - The city's actual cost for the natural gas plus \$3.73 per M.C.F. (1973 Code, § 13-401)

19-202. Billing. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the utility department. Gas bills must be paid on or before the date shown thereon in order to obtain the net rate, otherwise the gross rate shall apply. All bills shall be due and payable from and after the date on which such bills are rendered. (1973 Code, § 13-402)

19-203. Delinquent bills. Delinquent bills of all gas customers shall be governed by the provisions of § 18-113 in this code. (1973 Code, § 13-403)

19-204. Tampering with meters, reconnecting service, etc. It shall be unlawful for any person or persons to tamper with or change any gas meter, or to make any connection to the system without permission from the municipality, or to reconnect service when it shall have been disconnected for nonpayment of a bill for service, until such bill shall have been paid in full, including the reconnection fee. (1973 Code, § 13-404)

19-205. Gas non-refundable connection fee. All applicants for gas connection shall deposit with the municipality prior to such connection a non-refundable connection fee. For property owner users the non-refundable connection fee shall be thirty dollars (\$30.00) and for renters and lessees the non-refundable connection fee shall be sixty dollars (\$60.00). The non-refundable connection fee rate for commercial and industrial gas customers shall be set by the general foreman of the city, city recorder, and assistant recorder. However, said non-refundable connection fee shall not be less than one hundred dollars (\$100.00). (1973 Code, § 13-405)

19-206. Curtailment of gas. (1) The gas department for the City of Lafayette, Tennessee is hereby authorized to curtail the delivery of gas through its city system to its customers when required.

(2) The gas department is further authorized to discontinue supplying the curtailed customers, when, in the opinion of said department, the continued use of gas by any of the said curtailed customers would endanger its ability to service customers and maintain its gas system in a safe and economical condition. (1973 Code, § 13-406)

19-207. Fees. All gas service lines from gas lines to service meter shall be laid by the municipality at a cost to the customer of one dollar twenty-five cents (\$1.25) per foot. The location of such lines and meters shall be determined by the municipality.

Before any service lines are laid or any service lines installed, a connection fee shall be paid in addition to the monthly charges to the municipality in accordance with the following:

All gas tap fees shall be two hundred and fifty dollars (\$250.00).

In addition to the connection fees, there shall be an additional charge for the gas service line measured from the center of the road to the building as follows:

For a 3/4" line - \$1.25 per foot

For a 2" line - \$1.75 per foot

In the event a customer requests the city to check a gas meter for accuracy, leak or misreading, a thirty dollar (\$30.00) service charge shall apply in all cases except when it is determined by the city that the problem was a leak or was due to the city's error or mistake. (1973 Code, § 13-407, modified, as amended by Ord. #710, Sept. 2017 *Ch3_03-05-19*, Ord. #714, Dec. 2017 *Ch3_03-05-19*, and Ord. #719, April 2018 *Ch3_03-05-19*, and replaced by Ord. #782, June 2021 *Ch4_06-01-21*)

19-208. Extensions. No extensions of the municipal gas system outside the corporate limits shall be made without the approval of the governing body. The governing body may authorize the mayor to approve extensions of less than one thousand feet (1,000'). Upon receiving said approval, the customer shall pay in addition to fees as one dollar (\$1.00) per foot for the two inch (2") gas main which shall be installed by the municipality. The costs shall automatically be increased as the cost of gas pipe increases. (1973 Code, § 13-408, modified)

TITLE 20

MISCELLANEOUS

CHAPTER

1. CIVIL DEFENSE.

CHAPTER 1

CIVIL DEFENSE

SECTION

20-101. Macon Lafayette County Civil Defense Organization created.

20-102. Authority and responsibilities.

20-103. Office of director.

20-104. Civil defense corps created.

20-105. No municipal or private liability.

20-106. Expenses.

20-101. Macon Lafayette County Civil Defense Organization created. There is hereby created the Macon Lafayette County Civil Defense Organization, which shall be a joint operation by the City of Lafayette, and the County of Macon for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Macon County shall be considered as a total part of the county wide civil defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as a part of the Macon County civil defense. (1973 Code, § 1201)

20-102. Authority and responsibilities. (1) Authority. In accordance with federal and state enactments of law, the Macon Lafayette County Civil Defense Organization is hereby authorized to assist the regular government of the county governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace time man-made disasters, which might occur affecting the lives, health, safety, welfare and property of the citizens of Macon County. The Macon County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Macon County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Macon Lafayette County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Macon County, to establish and

coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1973 Code, § 1-1202)

20-103. Office of director. (1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and the county judge or either or by higher authority as appropriate.

(b) The director shall have overall responsibility for all plans, recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the city and county.

(2) Responsibility of director. The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties and responsibilities of the Macon Lafayette County Civil Defense Organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1973 Code, § 12-03)

20-104. Civil defense corps created. The Macon Lafayette County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1973 Code, § 1-1204)

20-105. No municipal or private liability. The duties prescribed in this chapter in an exercise by the city and county of its governmental functions for the protection of the public peace, health and safety and neither the City of Lafayette nor Macon County, the agents and representatives of said city and county nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such licenses,

privilege or other permission or for loss of, or damage to, the property of such person. (1973 Code, § 1-1205)

20-106. Expenses. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this chapter without prior approval by the governing bodies of the city and/or county or both; nor shall any person have any right to bind the city or county by contract, agreement or otherwise without prior and specific approval by the governing body of the city and/or county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by the agreement between the treasurers of the city and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Lafayette or Macon County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1973 Code, § 1-1206)

CODE OF ETHICS

APPENDIX A

Section-by-Section Summary and Explanation

SECTION 1. This section provides that the code of ethics adopted by the municipal governing body applies to all full-time and part-time elected and appointed officials, whether compensated or not. It also applies to members and employees of separate boards, authorities, and commissions created by the municipality. This includes school boards, planning commissions, boards of zoning appeals, beer boards, airport authorities, and housing authorities among others. These applications of the code of ethics are mandated by the ethics act passed by the General Assembly.

SECTION 2. The ethics act passed by the General Assembly requires that "personal interests" that affect or appear to affect the actions of municipal officials and employees must be disclosed, but the state statute does not define "personal interests." This section defines those interests. This is a broad definition and is much more encompassing than the state's conflict of interests laws. It includes ANY financial, ownership, or employment interest of an official or employee in a business or entity the municipality does business with, regulates, or supervises. It also includes these interests of the listed family members of the official or employee. It includes situations in which the official, employee, or family member is negotiating employment with an affected entity. There is some overlap with indirect interests under state law, but most of the situations to which this provision in the code of ethics will apply will not be covered by the conflicts of interests laws. An example would be a family member of a member of the governing body who is an employee of a business seeking to do business with the municipality. This would not be a direct or indirect conflict of interests under the state law, but it would be a personal interest that would have to be disclosed under this definition. This section provides that when there is an overlap with the conflicts of interest laws, those laws take precedence.

SECTION 3. This section requires an official with the responsibility to vote to disclose any of his/her personal interests that might affect his/her discretion before the vote so they appear in the minutes. The state statute does not require that an official with a personal interest recuse himself/herself from voting. The implication of the statute is to the contrary and that after disclosure the official may vote. Nevertheless, this section allows, but does not require, the official to recuse himself/herself.

SECTION 4. This section applies to employees and officials who must exercise discretion in matters that do not require a vote. The official or employee

should when possible disclose the personal interest before the exercise of the discretion. Again, recusal is not required, but this section allows this when it is permitted by law, charter, ordinance, or policy of the municipality.

SECTION 5. This section prohibits an official or employee from taking any money, gift, favor, or other gratuity from anyone other than the municipality for the performance of an official's or employee's regular duties or that gives the appearance of attempting to influence the actions of the official or employee in carrying out municipal business. This is a somewhat modified version of a provision that most municipalities already had on the books. An alternative to this gift prohibition that is allowed by the state ethics statute would be to allow gifts and gratuities up to a certain amount but to require reporting of those items. MTAS decided on prohibition because it is simpler to implement and because most cities already had similar provisions.

SECTION 6. This section prohibits officials and employees from disclosing confidential information, and from disclosing any other information with the intent to result in financial gain. Again, these are common provisions in ethics ordinances that some cities had already adopted.

SECTION 7. This section prohibits officials and employees from using or authorizing the use of municipal time and facilities for their own financial gain. It also prohibits this for other entities or individuals unless this is authorized by contract or lease determined by the governing body to be in the best interests of the municipality. This is a provision similar to ones that have been adopted by many municipalities.

SECTION 8. This section prohibits officials and employees from using their position to make private purchases in the name of the municipality and from using their position to gain privileges or exemptions that are not authorized by charter, general law, ordinance, or policy. These provisions are similar to provisions adopted by many municipalities.

SECTION 9. This section prohibits outside employment by officials or employees if the outside work interferes with municipal duties or is in conflict with any provision of the charter, any ordinance, or policy of the municipality. Many municipalities have adopted similar provisions.

SECTION 10. This section provides methods for bringing and investigating complaints of violations of the code of ethics. The city attorney is designated as the ethics officer and may issue opinions when requested in writing on whether certain conduct would comply with the code of ethics and other applicable law. The city attorney is designated to receive and investigate complaints about officials and employees who are not members of the governing

body. The attorney may request the governing body to designate another person or entity to act as ethics officer when he/she has a conflict of interests. The governing body must determine the merit of complaints against its members. If the governing body determines a complaint warrants further investigation, it must authorize the investigation by the city attorney or another person or entity chosen by the governing body.

Because many municipalities already have personnel policies that deal with some of the same behaviors regulated by the code of ethics, this section also provides that when a violation of the code of ethics also constitutes a violation of a personnel or civil service policy, rule, or regulation, the violation would be handled as a violation of the personnel provisions rather than as a violation of the code of ethics.

This section also provides for a "reasonable person" interpretation and enforcement of the code of ethics.

An alternative to appointing the city attorney as ethics officer would be to appoint another individual, such as another attorney or a retired judge. If a municipality chose to do this, it would probably want to provide for the appointment of the ethics officer after each municipal election. The position could be compensated or uncompensated, although it is unlikely many individuals would be willing to serve if the position is not compensated. Another acceptable alternative would be to establish a Board of Ethics to perform these functions. For municipalities that choose this alternative, MTAS suggests a three (3) member board to be appointed by the governing body. Terms should probably be three (3) years.

MTAS chose the above provisions for designating the ethics officer and for handling ethics complaints for the model code of ethics because they seemed simpler, less costly, and most appropriate for most Tennessee municipalities.

SECTION 11. This section provides for punishment for violations. Elected officials and appointed members of boards and commissions are punishable as already provided by law and in addition are subject to censure by the governing body. Appointed officials and employees are subject to disciplinary action. (as added by Ord. #521, June 2007)

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY
AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES
OF CITY OF LAFAYETTE**

APPENDIX B

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the City of Lafayette.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Lafayette in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. "COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. "EMPLOYER" means the City of Lafayette and includes each administrative department, board, commission, division, or other agency of the City of Lafayette.
- c. "SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "SAFETY DIRECTOR" means the person designated by the establishing ordinance, or executive order, to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of City of Lafayette.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "PERSON" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development

in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY" or "HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "ACT" OR "TOSH Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, Court Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful

agents or material in excess of the applicable standard and of corrective action being taken.

- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES' RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety

Director or Inspector at the time of the physical inspection of the worksite.

- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 - 1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.

2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.

1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, chapter 0800-01-1 through chapter 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of

Labor and Workforce Development. The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer

- i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.
 - 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recorderkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, chapter 0800-01-03, as authorized by T.C.A., title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint

with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.

- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

- b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or

gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocuting; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
- i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.

- b. Refusal to Abate.
 - 1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
 - 2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
 - 1. Issue an abatement order to the head of the worksite.
 - 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 - 1. The standard, rule, or regulation which was found to violated.
 - 2. A description of the nature and location of the violation.
 - 3. A description of what is required to abate or correct the violation.
 - 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days,

issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.
 2. Written reprimand.
 3. Suspension for three(3) or more working days.
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann., § 50-3-409 can file a

complaint with their agency/ Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

Signature: Safety Director and Date

APPENDIX I - WORK LOCATIONS
(ORGANIZATIONAL CHART)

{For this section make a list of each work location wherein your employees work, such as Street Department, Fire Hall, City Hall, Courthouse, Jail, Sheriff Department, Each School, etc. covered under this Program Plan. Include, the address for the workplace, phone number at that workplace, and number of employees who work there.}

TOTAL NUMBER OF EMPLOYEES: ____

{Once each work location has been listed, record the total number of employees that the city employs.}

APPENDIX II - NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF LAFAYETTE

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director of the City of Lafayette.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

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

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the City of Lafayette for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Lafayette is available for inspection by any employee at the Lafayette City Hall during regular office hours.

Signature: (City) MAYOR AND DATE

APPENDIX III - PROGRAM PLAN BUDGET

(Either answer questions 1-11 or fill in the statement below)

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the Program Plan.
11. Contingencies and miscellaneous,

TOTAL ESTIMATED PROGRAM PLAN FUNDING,

ESTIMATE OF TOTAL BUDGET FOR:

OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Lafayette has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX IV - ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under **PROGRAM PLAN** in Section V. ADMINISTRATION, part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

ORDINANCE NO. 610

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LAFAYETTE, TENNESSEE

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

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

WHEREAS the Mayor and the City Council of the City of Lafayette, 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 "Lafayette Municipal code," now, therefore:

BE IT ORDANINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city 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 "Lafayette 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 city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing

for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

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

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.

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 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and council, 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 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 ordinances thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

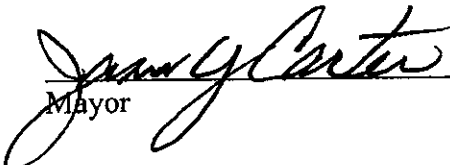
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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 ordnances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading 02/07/2012

Passed 2nd and final reading 03/06/2012



 Mayor



 Recorder