

THE  
SPRINGFIELD  
MUNICIPAL  
CODE

Prepared by the  
MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE

in cooperation with the  
TENNESSEE MUNICIPAL LEAGUE

February 1993

Change 18, February 20, 2018

CITY OF SPRINGFIELD, TENNESSEE

MAYOR

Ann Schneider

ALDERMEN

Jeff Gragg  
Tim Harris  
Bruce Head  
James Hubbard  
Clay Sneed  
Bobby Trotter

CITY CLERK

Kimberly Brickles

CITY MANAGER

Gina Holt

CITY RECORDER

Lisa Crockett

## Preface

The Springfield Municipal Code contains the codification and revision of the ordinances of the City of Springfield, 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 8 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 reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Andre Coure  
Codification Consultant

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

The ordinance adoption procedures for the City of Springfield are set as follows precisely as they appear in the charter.

**ORDINANCE**

**SECTION 12**

BE IT FURTHER ENACTED, That the style or introductory clause of all ordinances shall be as follows:

"Be it ordained by the Board of Mayor and Aldermen of Springfield."

Ordinance procedure. All ordinances shall begin with the clause, "Be it ordained by the Board of Mayor and Aldermen of Springfield, Tennessee." An ordinance may be introduced by any member of the Board of Mayor and Aldermen. The body of ordinances may be omitted from the minutes on first and second readings, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on three different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of Board of Mayor and Aldermen, and shall be immediately taken charge of by the Recorder, and by him numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office.

TITLE 1

GENERAL ADMINISTRATION

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

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 Board of Mayor and Aldermen shall hold regular meetings at 6:00 P.M. on the third Tuesday of each month as advertised. The meeting will normally be held in the board room located in city hall. (Ord. # 90-21, Nov. 1990, modified, as amended by Ord. #15-01, Feb. 2015)

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

- (1) Call to order by the mayor.
- (2) Pledge of allegiance.
- (3) Approval and/or correction of minutes of the previous meeting.
- (4) Legislative items.
- (5) Administrative items.
- (6) Consent agenda.
- (7) City managers report.
- (8) Adjournment.

(1981 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 Board of Mayor and Aldermen at its

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<sup>1</sup>Charter reference

See article IV, Board of Mayor and Alderman, for qualifications for office, composition, proceedings, salaries, removal of Mayor and Alderman from office, etc...

meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1981 code, § 1-103, modified)

## CHAPTER 2

### CODE OF ETHICS

#### SECTION

- 1-201. Applicability.
- 1-202. Purpose.
- 1-203. Responsibilities of officials and employees.
- 1-204. Definition of personal interest.
- 1-205. Disclosure of personal interest by official with vote.
- 1-206. Disclosure of personal interest in non-voting matters.
- 1-207. Annual filing of disclosure questionnaire and conflicts of interest statement.
- 1-208. Acceptance of gratuities.
- 1-209. Small gifts, giveaways and meals.
- 1-210. Use of information.
- 1-211. Use of municipal time, facilities, etc.
- 1-212. Use of position or authority.
- 1-213. Outside employment or rendering of services.
- 1-214. Ethics complaints.
- 1-215. Violations.

1-201. Applicability. 1. This chapter is the code of ethics for personnel of the City of Springfield. 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.

2. When an official or employee has doubt as to the applicability of a provision of this chapter to a particular situation, he/she should apply to the business conduct and ethics committee for an advisory opinion and be guided by that opinion. The public official or employee shall have the opportunity to present his/her interpretation of the facts at issue before such advisory decision is made. (as added by Ord. #07-03, April 2007)

1-202. Purpose. It is essential to the proper government and administration of the City of Springfield that public officials and employees be, and also give the appearance of being, independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure and that no public office shall be used for personal gain. The public, public officials and city employees should have confidence in the integrity of their government. It is the policy of the City of Springfield to meet its legal responsibilities and to conduct its business in accordance with high ethical standards. In recognition of these goals, this code



of ethics is hereby established for all officials and employees. (as added by Ord. #07-03, April 2007)

1-203. Responsibilities of officials and employees. 1. Officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state and city and to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their primary concern. Their conduct in both official and private affairs shall be above reproach.

2. All officials and employees of the City of Springfield shall be loyal to the objectives expressed by the electorate and the programs developed to attain those objectives. Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

3. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other officials and employees, unless prohibited from doing so by law or by officially recognized confidentiality of their work. (as added by Ord. #07-03, April 2007)

1-204. Definition of personal interest. 1. For purposes of §§ 1-205 and 1-206 "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 interest; 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 stepchild(ren).

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

3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-03, April 2007)

1-205. 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, at the beginning of the agenda item discussion and before the vote, 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 shall recuse himself from voting on and discussing the measure. (as added by Ord. #07-03, April 2007)

1-206. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee shall, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-03, April 2007)

1-207. Annual filing of disclosure questionnaire and conflict of interest statement. Members of the board of mayor and aldermen, city manager, city attorney, city judge, planning commission members, municipal board of appeals members, beer board members, department heads, and certain key employees specified by the board of mayor and aldermen shall be required to annually complete and file with the business conduct and ethics committee a City of Springfield "disclosure questionnaire and conflict of interest statement" in accordance with the deadline established by the business conduct and ethics committee. The date for filing disclosure questionnaire is prior to the regular July meeting or before the person takes his/her position. (as added by Ord. #07-03, April 2007)

1-208. Acceptance of gratuities, etc. An official or employee shall not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City of Springfield:

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

2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-03, April 2007)

1-209. Small gifts, giveaways and meals. The board of mayor and aldermen shall establish a policy with regard to the acceptance of small gifts, giveaways, and meals by officials and employees. (as added by Ord. #07-03, April 2007)

1-210. Use of information. 1. An official or employee shall 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 shall not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-03, April 2007)

1-211. Use of municipal time, facilities, etc. 1. An official or employee shall 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 shall 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 City of Springfield. (as added by Ord. #07-03, April 2007)

1-212. Use of position or authority. 1. An official or employee shall not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Springfield.

2. An official or employee shall 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 City of Springfield.

3. An official or employee shall not appear on behalf of private interests before any agency of the city. However, a member of the board of mayor and aldermen may appear before city agencies in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. Nothing in this section shall preclude officials and employees from appearing in behalf of their own personal routine interests within established policies and procedures of the City of Springfield. By way of example, applications for building permits, utility services, site plan approvals, and reservation of city facilities are considered routine.

4. An official or employee shall not accept a retainer or compensation that is contingent upon a specific action by a city agency.

5. An official or employee shall not have any interest in any contract made by him in his official capacity or by any public committee, board, commission or department of which he is a member, agent, or employee. (as added by Ord. #07-03, April 2007)

1-213. Outside employment or rendering of services. No public official or employee shall engage in or accept outside or private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance his official duties or conflicts with any provision of the City of Springfield's charter or any ordinance or policy. (as added by Ord. #07-03, April 2007)

1-214. Ethics complaints. 1. The business conduct and ethics committee consisting of the vice mayor, city attorney, and one department head appointed by the board of mayor and aldermen at the beginning of each fiscal year, or as often as necessary, shall investigate all ethics complaints against officials and employees. Upon the written request of an official or employee potentially affected by a provision of this chapter, the business conduct and ethics committee shall render a written advisory ethics opinion based upon this chapter and other applicable law.

2. a. Except as otherwise provided in this subsection, the business conduct and ethics committee shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or shall undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in its judgment, constitutes a violation of this code of ethics.

b. The business conduct and ethics committee shall request the board of mayor and aldermen to temporarily appoint or hire another attorney or individual to take the place of any member of the committee having a conflict of interest in a particular matter. The board of mayor and aldermen may also, upon the request of the business conduct and ethics committee, retain the professional services of individuals or firms in order to assist the committee in the investigation of an ethics complaint.

c. When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, 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 business conduct and ethics committee.

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 the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #07-03, April 2007)

1-215. Violations. An elected official, employee, 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 suspension, removal from office or employment, or other disciplinary action and punishment as provided by the City of Springfield charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. Violation of any provisions of this chapter should raise conscientious questions

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for the board of mayor and aldermen or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. (as added by Ord. #07-03, April 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.<sup>1</sup>

CHAPTER

1. PARKS AND RECREATION BOARD.
2. REPEALED.
3. BOARDS, COMMISSIONS, AND AUTHORITIES.
4. HEALTH AND EDUCATIONAL FACILITIES BOARD.
5. THE SPRINGFIELD-ROBERTSON COUNTY MUNICIPAL AIRPORT.
6. HISTORIC PRESERVATION COMMISSION.
7. MUNICIPAL GOLF COURSE BOARD.
8. CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS.

CHAPTER 1

PARKS AND RECREATION BOARD<sup>2</sup>

SECTION

- 2-101. Appointment, terms, and vacancies.  
2-102. Powers and duties.

2-101. Appointment, terms, and vacancies. The parks and recreation board shall consist of seven (7) members who shall serve without compensation. Said board shall be as follows: one (1) member per ward appointed by the alderman of said ward; one (1) member at large appointed by the mayor to serve as chairperson. Board members representing wards 1, 2, and 3 shall be appointed in July 1993, and board members representing wards 4, 5, and 6 and the chairperson shall be appointed in July 1995 and every four (4) years thereafter. (Ord. # 091-2, June 1991)

2-102. Powers and duties. The board shall have the following duties and powers:

(1) The board shall, in conjunction with the parks and recreation department, formulate policy regulations and rules for the operation of the parks and recreation system of the City of Springfield.

(a) Unless otherwise denoted, the term "Park" shall apply to all parks, playgrounds, athletic fields, tennis courts, swimming pools,

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<sup>1</sup>Municipal code reference

The adult entertainment appeals board: §§ 9-717 through 9-723.

<sup>2</sup>Municipal code reference

Parks rules and regulations: title 20.

community centers, and other recreational areas now owned or hereafter acquired or developed by the City of Springfield.

(b) All individual citizens, civic clubs, committees, businesses, special interest groups, charitable organizations, or other entities desiring to use park properties or facilities exclusively, and any agreements regarding concessions, shall seek approval through the parks department prior to beginning the activity or event.

(2) Formulate and recommend a three (3) to five (5) year parks and recreation capital plan, said plan to be forwarded to the city manager and mayor and board of aldermen, for consideration as part of the annual budget process prior to March 1st of each year.

(3) Formulate with the parks and recreation department, all parks and recreation rules and regulations and recommend same to the Board of Mayor and Aldermen for adoption.

(4) To communicate to the public the importance of parks/recreation services and to inform the public of the status and progress of said services. To communicate and work closely with other related public agencies to insure a complete community effort to provide the most effective and economical park/recreation services available.

(5) Formulate fees and charges to be recommended to the Board of Mayor and Aldermen for adoption. The parks and recreation board is hereby authorized to work with groups sponsoring events that require fees or charges which are not covered by the normal fee schedule. The city manager shall work with the recreation board and ultimately approve said special fees and charges.

(6) Duties of the officers:

(a) Chairperson: The chairperson shall preside at all meetings of the board, and shall call special meetings of the board at the request of any two (2) or more board members.

(b) Vice-chairperson: The vice-chairperson shall preside at any meeting of the board when the chairperson is not present. This person shall assume any other duties as set forth by the chairperson.

(c) Secretary: The recording secretary will be the parks/recreation director. The secretary will have:

(1) The responsibility of preparing the agenda and minutes of all meetings, and will cause a copy of same to be mailed or delivered to each member of the board one week before meeting;

(2) Responsibility to conduct the official correspondence of the board;

(3) The responsibility to keep all official records of the board;

(4) No vote on the board.

(7) Election of officers: The vice-chairperson shall be elected annually at the regular meeting each July. The term of office shall be for one (1) year.

(8) Board meetings:

(a) The board will meet on a regular monthly basis, the date and time to be set by the board.

(b) Special meetings may be called at the request of two (2) board members.

(c) All regular and special meetings of the board will be open to the public.

(d) Individuals, or groups desiring to petition the board for some specific action should present their request in writing to the board secretary no later than one (1) week prior to the meeting. Petitioning party may also appear in person at the meetings to make an oral presentation.

(e) The parks director and/or appropriate staff will be present at all meetings of the board.

(9) Minutes: All proceedings of the board shall be in typed form and filed in permanent book of record open to public inspection at all normal office hours, and during the meeting times. Minutes of previous meeting to be approved at next meeting.

(10) Quorum: A majority of the duly appointed board members shall constitute a quorum.

(11) Voting: The ayes and nays will be taken upon the passage of all board matters. All votes shall be entered upon the minutes of the meeting. The act of a majority of members present at the meetings, at which a quorum is present, will be the official act of the board.

(12) Committees: Chairperson shall establish committees to investigate and review certain matters under consideration by the board. (Ord. # 091-11, June 1991)



CHAPTER 2

[this chapter was repealed by Ord. #15-10, Sept. 2015]

## CHAPTER 3

BOARDS, COMMISSIONS, AND AUTHORITIES

## SECTION

2-301. Boards, commissioners, and authorities.

2-301. Boards, commissioners, and authorities. Except as otherwise controlled by law, all existing boards, commissions, and authorities shall have a member to represent each existing Ward of the City of Springfield, Tennessee. Each ward representative will be appointed to that membership by the alderman for that ward. And the mayor shall appoint a member at large to each existing board, commission, and authority who shall be deemed the chairperson. Each term of office shall run concurrent with the elected officials term of office or four (4) years.

In respect to boards, commissions and authorities not in existence as of date of adoption of this codification, the board of mayor and aldermen has the authority to create, provide and establish the membership of each board, commission and authority as it deems necessary. (Ord. # 089-06, Aug. 1989, modified)

## CHAPTER 4

HEALTH AND EDUCATION FACILITIES BOARD

## SECTION

## 2-401. Directors appointed.

2-401. Directors appointed. The following individuals:

Jerry E. West,	Chair (reaffirmed to a 6 year term commencing as of 1991) at large
Ward 1 -	David Baker (appointed to a 6 year term as of 1993)
Ward 2 -	Anthony Cone (appointed to a 6 year term as of 1992)
Ward 3 -	George Cheran (appointed to a 6 year term as of 1992)
Ward 4 -	Don Hicks (reaffirmed to a 6 year term commencing as of 1991)
Ward 5 -	Robert E. James (appointed to a 6 year term as of 1993)
Ward 6 -	James E. Willhite (appointed to a 6 year term as of 1992)

are duly ratified, appointed, or reaffirmed as directors of the Springfield Health and Educational Facilities Board with said appointment relating back to their ratification and/or appointment as the directors of the Industrial Development Board for the City of Springfield, Tennessee.

CHAPTER 5

THE SPRINGFIELD-ROBERTSON COUNTY MUNICIPAL AIRPORT

SECTION

2-501. Creation of a joint board.

2-502. Name.

2-503. Members to serve without compensation.

2-504. Members appointed; terms.

2-505. Qualifications of members of the board.

2-506. Selection of original members of the board.

2-507. Purchase and disposal of personal property and equipment.

2-508. Annual budget.

2-501. Creation of a joint board. It is hereby determined and declared that the public convenience and necessity can best be served by the creation of a joint board to be created by Robertson County and the City of Springfield, for the operation of the local airport. (as replaced by Ord. #05-12, Aug. 2005)

2-502. Name. Such board shall be known as the "Springfield-Robertson County Joint Airport Board" and shall have jurisdiction over the Springfield-Robertson County Airport only. (as replaced by Ord. #05-12, Aug. 2005)

2-503. Members to serve without compensation. Members appointed to the Springfield-Robertson County Joint Airport Board shall serve without pay, except for mileage and other lawfully approved expenses incurred in carrying out their lawful duties. (as replaced by Ord. #05-12, Aug. 2005)

2-504. Members appointed; terms. Seven (7) members of said board shall be appointed. Members first appointed to new positions on the board may be appointed for a term of less than five (5) years, but thereafter, each member shall be appointed for a term of five (5) years, except that the vacancies occurring otherwise than by the expiration of terms shall be filled for the unexpired term by the governing body first making the appointment. In addition, three (3) persons shall be non-voting ex-officio board members by virtue of their positions, being the Robertson County Executive, the Springfield City Manager and the Executive Director of the Springfield-Robertson County Chamber of Commerce. (as replaced by Ord. #05-12, Aug. 2005)

2-505. Qualifications of members of the board. Members of the Springfield-Robertson County Joint Airport Board shall be appointed with due regard for their fitness to serve by having successful business, professional or public service experience, and knowledge of and practical experience in

aeronautics for the efficient dispatch of the powers and duties duly vested in and imposed upon them. Members shall be residents of Robertson County, Tennessee and shall be appointed by the respective governing body as set forth in § 2-506 hereof. However, should a member's primary place of residence change to outside Robertson County, his or her term as a member of the joint board shall terminate and a replacement shall be appointed to fill the unexpired term of said member by the local governing body first appointing the member. (as replaced by Ord. #05-12, Aug. 2005)

2-506. Selection of original members of the board. The Commissioners of Robertson County shall in concert with the City of Springfield Board of Mayor and Aldermen select the original members of said board as follows:

Position 1	A 1-year term-	A county resident appointed by the County Commission
Position 2	A 2-year term-	A city resident appointed by the City Board
Position 3	A 3-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission
Position 4	A 4-year term-	A city resident appointed by the City Board
Position 5	A 5-year term-	A county resident appointed by the County Commission
Position 6	A 1-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission
Position 7	A 2-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission

If an agreement cannot be reached by the city board and county commission on a joint at-large appointment, the appointment shall be made by the Governor of Tennessee. (as replaced by Ord. #05-12, Aug. 2005)

2-507. Purchase and disposal of personal property and equipment. The Springfield-Robertson County Joint Airport Board shall have all of the authority vested unto said board by Tennessee Code Annotated, § 42-5-201, et seq. The duration of said board shall be until said board is terminated by either of the establishing governing bodies. The City of Springfield and Robertson County, Tennessee shall share equally in the proportionate expense of operation of the airport and its joint board, and said board is authorized to dispose of and purchase such personal property and equipment as allowed by its budget considerations and in the best operation of the airport itself. (as replaced by Ord. #05-12, Aug. 2005)

2-508. Annual budget. An annual budget shall be submitted by the joint board to the Robertson County Commission and the Springfield Board of Mayor and Aldermen which shall include budget requests for capitol needs. This budget request is to be submitted prior to April 1 of each year. The board shall operate and budget on a fiscal year beginning on July 1 and ending on June 30 of the subsequent year. (as replaced by Ord. #05-12, Aug. 2005)

## CHAPTER 6

HISTORIC PRESERVATION COMMISSION

## SECTION

- 2-601. Springfield Historic Preservation District (S.H.P.D.).
- 2-602. Springfield Historic Preservation Commission (S.H.P.C.).
- 2-603. Administration.
- 2-604. Building permits procedures.
- 2-605. Certificate of appropriateness.
- 2-606. Administrative standards and legal status provisions.
- 2-607. Remedy of dangerous conditions.
- 2-608. Appeal.
- 2-609. Injunctive powers and penalties.

2-601. Springfield Historic Preservation District (S.H.P.D.). (1) It is the intent of this district to preserve the historic sites and structures of the City of Springfield. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the S.H.P.D., as shown on the official zoning map of Springfield, Tennessee, the following regulations shall apply:

(a) Any use permitted by the existing zoning classification is also permitted by the S.H.P.D.

(b) The S.H.P.D. classification may be superimposed in addition to existing zoning classification where the following criteria shall be determined to exist by the Historic Zoning Commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

(i) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(ii) That are associated with the lives of persons significant in our past; or

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

(iv) That has yielded, or may be likely to yield, archeological information. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-602. Springfield Historic Preservation Commission (S.H.P.C.).

(1) Creation and appointment. In accordance with Tennessee Code Annotated, § 13-7-402, a Historic Preservation Commission is hereby established. The Board of Mayor and Aldermen shall create a five (5) member Historic Preservation Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of his appointment; and the remaining members shall be appointed from the Springfield Residential Historic District. All members of the S.H.P.C. shall be resident property owners of the district if possible. The Historic Preservation Commission shall be appointed by the mayor, subject to confirmation by the city council. Appointments to membership on the Historic Preservation Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the commission shall elect a chairman from among themselves to preside over meetings.

(2) Procedure. Meetings of the Historic Preservation Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this chapter, by publication in an official newspaper or a newspaper of general circulation at least five (5) days immediately prior thereto. At least three (3) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

(3) Powers and duties. The Springfield Historic Preservation Commission shall have the following powers:

(a) To request, where necessary, detailed construction plans and related data pertinent to thorough review of any proposal before the commission.

(b) The Historic Preservation Commission shall within thirty (30) days following availability of sufficient data, direct the granting or refusal of a "Certificate of Appropriateness."

(c) Upon review of the application for a building permit and "Certificate of Appropriateness," the Historic Preservation Commission shall give prime consideration to:



- (i) Historic and/or architectural value of present structure;
- (ii) The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
- (iii) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
- (d) Additional powers and duties. It shall be the duty of the Springfield Historic Preservation Commission to make the following determination with respect to the historic district:
  - (i) Appropriateness of the exterior architectural feature altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.
  - (ii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
  - (iii) The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Springfield Historic Preservation Commission shall not consider interior arrangement or design, or alterations and additions of structures in the rear yard and side yards which do not face a street, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
  - (iv) The S.H.P.C. shall make recommendations for the designation of local historic districts, landmarks and landmark sites.
  - (v) The S.H.P.C. shall advise and assist property owners and other persons and groups concerned with historic preservation and shall undertake educational programs for the public on historic preservation. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-603. Administration. (1) No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the S.H.P.D. shall be issued by the building inspector until it is submitted to and receives approval in writing by the Historical Preservation Commission.

(2) Administration shall be by the office of the building inspector and the Historic Preservation Commission and all items regulated within the S.H.P.D. shall be submitted to the Historic Preservation Commission (through the office of the building inspector) for its review.

(3) Building permit required. All alterations, additions or new construction which, previous to the establishment of this S.H.P.D., required that application be made for a building permit shall continue to require that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

(4) Within 90 days of the passage of this district designation, the Historic Preservation Commission shall prepare and submit the design review guidelines, which shall be used by the Historic Preservation Commission in the consideration of any application for "Certificate of Appropriateness" applied for under this chapter. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-604. Building permits procedures. (1) Applications for building permits with the S.H.P.D shall be made to the office of the building inspector and all such applications shall be referred directly to the Springfield Historic Preservation Commission. A supplied "checklist" must be completed for application. The S.H.P.C. shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.

(2) Upon receiving an application for a building permit the S.H.P.C. shall, within thirty (30) days following the availability of sufficient data, issue to the office of the building inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

(3) The office of the building inspector shall additionally review applications for building permits (which have received written approval from the S.H.P.C.) in the same manner review is made of building permit applications outside of the S.H.P.D., and final issuance or rejection shall additionally be based upon the adopted building codes of the City of Springfield. The fee charged for building permits within the H-1 District shall conform to existing fee schedules for building permits in any other zoning district within the City of Springfield. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-605. Certificate of appropriateness. No person shall, without first applying for and obtaining a "Certificate of Appropriateness", cause or permit any of the following changes in exterior appearances of real estate in which he

has a legal or equitable interest lying within the S.H.P.D. to include all commercial, residential, government and all other properties.

(1) Additive changes. (a) Moving any principal or accessory building onto or within any lot in the district or on the landmark site.

(b) Material change of the exterior appearance of any existing building by addition, reconstruction or alteration, including change in form.

(c) Construction of any new principal accessory building or other structure.

(2) Changes by removal. (a) Demolition of any principal or accessory building.

(b) Moving any principal or accessory building from the historical zone or the landmark site.

(3) The words "change in exterior appearance," as used in this subsection, shall apply to changes within the front or street side yard or any structure as defined in the Springfield Zoning Ordinance, which are visible from any public roadway within a historical zone or adjacent to a landmark site. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-606. Administrative standards and legal status provisions. (1) Liability of Historic Preservation Commission members. Any Historic Preservation Commission member acting within the powers granted by this chapter is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(2) Jurisdiction. The Historic Preservation Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgement of the commission may have said order or judgement reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, title 27, chapter 8.

(4) Conflict of interest. Any member of the Historic Preservation Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Preservation Commission in connection therewith. (Ord. #093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-607. Remedy of dangerous conditions. In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this

chapter, to comply with such order of direction. However, the enforcement agency shall give the commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-608. Appeal. Anyone who may be aggrieved by any final order or judgement of the historic preservation commission may have such order or judgement reviewed by the courts by the procedure of statutory certiorari, as provided in Tennessee Code Annotated, title 27, chapter 8. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-609. Injunctive powers and penalties. (1) Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this chapter, the city attorney for the City of Springfield shall, when directed by the mayor or city council, forthwith apply to an appropriate court for an injunction against such violation of this chapter. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.

(2) A violation of this chapter is punishable by a fine of not less than two dollars (\$2.00) and not exceeding five hundred dollars (\$500.00). Every day of violation will be held to constitute a separate offense. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

CHAPTER 7

MUNICIPAL GOLF COURSE BOARD

[Deleted by Ord. #00-33, Feb. 2001.]

## CHAPTER 8

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

## SECTION

- 2-801. Appointment.
- 2-802. Membership and terms.
- 2-803. Powers.
- 2-804. Appeals.
- 2-805. Procedures of the board.
- 2-806. Appeals to decisions of the board.

2-801. Appointment. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of nine (9) members. All appointments to the construction board of adjustments and appeals shall be confirmed by a vote of the board of mayor and aldermen. (As added by Ord. #96-13, § 1, Feb. 1996)

2-802. Membership and terms. (1) Membership. The construction board of adjustments and appeals shall consist of nine (9) voting members and shall be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. One of the at-large positions shall be a representative from the general public. No board member shall act either by vote or recommendation in any case in which he or she has a personal or financial interest.

(2) Terms. The terms of office for each board member shall be two (2) years. Board members shall be appointed by position number. Positions numbered 1 through 6 shall each represent one of the wards of the city and shall each be appointed by the alderman of the respectively numbered ward. Positions numbered 7 through 9 shall represent the city at-large and shall be appointed by the mayor. Positions 1, 3, 5, 7, and 9 shall have terms beginning January 1 in odd numbered years and positions 2, 4, 6 and 8 shall have terms beginning January 1 in even numbered years. Initial appointments after the creation of the board may be for less than two (2) years in order to maintain the appointment schedule as set herein above. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from scheduled meetings of the board or unethical conduct by a member at a board meeting shall, at the discretion of the majority vote of the board of mayor and aldermen, render any such member subject to immediate removal from the board.

(3) Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of the building codes, fire codes or technical codes or in modifying a decision of the building official, fire official or person

appointed by the city to administer the technical codes, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required.

(4) Secretary of the board. The building official of the city shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote. The record of the proceedings of the board shall be kept open to the public in the office of the building official. (As added by Ord. #96-13, § 1, Feb. 1996)

2-803. Powers. The construction board of adjustments and appeals shall have the power, as further defined in this chapter, to hear appeals of decisions and interpretations of the building official, fire official or the person designated by the city to administer the technical codes, and consider variances to those decisions and interpretations of the pertinent codes. (As added by Ord. #96-13, § 1, Feb. 1996)

2-804. Appeals. (1) Decisions of the building official. The owner of property, or the owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustments and appeals whenever any one of the following conditions are claimed to exist:

(a) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(b) The provisions of the building code do not apply to the specific case.

(c) An equally good or more desirable form of installation can be employed in any specific case.

(d) The true intent and meaning of the building code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(2) Decisions of the fire official. Whenever it is claimed that the provisions of the fire codes do not apply, or when it is claimed that the true intent and meaning of the fire codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such property, building or structure, or his duly authorized agent, may appeal the decision of the fire official to the construction board of adjustments and appeals.

(3) Decisions on the technical codes. Whenever it is claimed that the provisions of the technical codes do not apply, or when it is claimed that the true intent and meaning of the technical codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such property, building or structure, or his duly authorized agent, may appeal the decision of the building official or person appointed by the city to administer the technical codes to the construction board of adjustments and appeals. The technical codes

include the Plumbing Code, Mechanical Code, Gas Code, Amusement Device Code, Swimming Pool Code, Housing Code, Electrical Code, and the Unsafe Buildings Code.

(4) Variances. The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the building code, fire code or technical codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the building code, fire codes, technical codes or public interest, and also finds all of the following:

(a) Special conditions and circumstances exist which are peculiar to the property, building, structure or service system involved and which are not applicable to others.

(b) The special conditions and circumstances do not result from the action or inaction of the applicant.

(c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other property, buildings, structures or service systems.

(d) The variance granted is the minimum variance that will make possible the reasonable use of the property, building, structure or service system.

(e) The variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

(5) Conditions of the variance. In granting a variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

(6) Request of appeal. Request of an appeal shall be submitted by the property owner, the owner of the building or structure, or the owner of the service system, or their duly authorized agent, in written format and delivered to the building official serving as secretary of the board and the city recorder within thirty (30) calendar days after the decision is rendered by the building official, fire official or person appointed by the city to administer the technical codes.

(7) Unsafe or dangerous parcels, structures, buildings or service systems. In the case of a parcel, structure, building or service system which, in the opinion of the building official, fire official or person appointed by the city to administer the technical codes, is unsafe, unsanitary, or dangerous, he may, in his order, limit the time for such appeal to a shorter period. (As added by Ord. #96-13, § 1, Feb. 1996)



2-805. Procedures of the board. (1) Rules and regulations. The board shall establish rules and regulations for its own procedure in conformance with the provisions of this chapter. The board shall elect a chairman and a vice-chairman to serve one year terms. The chairman shall preside over the meetings of the board. The vice-chairman shall serve in the absence of the chairman. The board shall meet on call of the chairman or vice-chairman. The board shall meet within thirty (30) calendar days after notice of appeal has been received.

(2) Decisions. The construction board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, fire official or person appointed by the city to administer the technical codes, or varies the application of any provision of the building code, the building official, fire official or person appointed by the city to administer the technical codes, shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be kept open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. (As added by Ord. #96-13, § 1, Feb. 1996)

2-806. Appeals to decisions of the board. Every decision of the construction board of adjustments and appeals shall be upheld with the exception that any interested person or party aggrieved by a decision of the board may appeal to the elected board of mayor and aldermen, provided that written notice to the board of mayor and aldermen of such appeal is delivered to the city recorder within ten (10) days from the date of the decision of the construction board of adjustments and appeals. Any decision of the board of mayor and aldermen concerning the appeal shall be final, subject however, to such remedy as any aggrieved person or party might have at law or in equity. (As added by Ord. #96-13, § 1, Feb. 1996)

TITLE 3

MUNICIPAL COURT<sup>1</sup>

CHAPTER

1. CITY COURT.

CHAPTER 1

CITY COURT

SECTION

- 3-101. City judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Trial and disposition of cases.
- 3-107. Appearance bonds authorized.
- 3-108. Imposition of fines, penalties, and costs.
- 3-109. Appeals.
- 3-110. Bond amounts, conditions, and forms.
- 3-111. Disposition and report of fines, penalties, and costs.
- 3-112. Disturbance of proceedings.
- 3-113. Court costs.
- 3-114. Administrative fee.
- 3-115. Electronic traffic citation fee.

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. (1981 code, § 1-301)

3-102. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1981 code, § 1-302)

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<sup>1</sup>Charter reference

See Article XI, City Court, for appointment, rehearings, restrictions on office of city judge, etc.

3-103. Issuance of arrest warrants.<sup>1</sup> The city judge or the lawful "acting city judge" shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1981 code, § 1-303)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to 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. (1981 code, § 1-304)

3-105. Issuance of subpoenas. The city judge may subpoena as witnessed 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. (1981 code, § 1-305)

3-106. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1981 code, § 1-306)

3-107. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of 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 or protective custody. (1981 code, § 1-307)

3-108. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1981 code, § 1-308)

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<sup>1</sup>See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

3-109. 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, appeal to the next term of the circuit court upon posting a proper appeal bond. (1981 code, § 1-309)

3-110. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such amount and subject to such conditions as the charter shall prescribe. 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. (1981 code, § 1-310)

3-111. 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, paid over to the municipality and reported as required by the city charter. (1981 code, § 1-311)

3-112. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1981 code, § 1-312)

3-113. Court costs. Court costs in the sum of seventy dollars (\$70.00) shall be assessed in each case in which there is a plea of guilty or a trial and conviction in city court. Such court costs shall be in addition to any fine assessed upon either a plea of guilty or conviction. The city judge, at his or her discretion, may waive court costs, in whole or in part, in each separate case. (as added by Ord. #97-26, Oct. 1997, amended by Ord. #05-24, Nov. 2005, and replaced by Ord. # 11-09, Sept. 2011)

3-114. Administrative fee. The city court clerk shall charge and collect an administrative fee of twenty-five dollars (\$25.00) for each traffic citation issued for an equipment violation or for a failure to produce proof of insurance violation when the defendant has the equipment violation corrected and verified by a police officer prior to the case being heard in city court, or when the defendant produces proof of insurance to the clerk of the court, prior to city court, verifying that the insurance was valid at the time of the violation. (as added by Ord. #15-15, Oct. 2015)

3-115. Electronic traffic citation fee. The city court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) assessable as court costs for each traffic citation resulting in a conviction, and same shall be paid by a defendant for any offense cited in a traffic citation that results in a plea of guilty, nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes, costs, penalties and charges, and shall be accounted for and used in accordance with Tennessee Code Annotated, § 55-10-207 and state law of general application, as may be amended from time to time.

The city court clerk shall retain one dollar (\$1.00) of the fee to be earmarked for computer hardware purchases and replacements, and the police department shall be given four dollars (\$4.00) of the fee to be placed in a special revenue fund to be spent on an electronic citation system and program expenditures, technology, equipment, repairs, replacement and training.

The provisions of this section shall terminate and expire automatically five (5) years from the date of the adoption of the ordinance, as currently provided by Tennessee Code Annotated, § 55-10-207. (as added by Ord. #15-15, Oct. 2015)

## TITLE 4

MUNICIPAL PERSONNEL

## CHAPTER

1. PERSONNEL SYSTEM.
2. SOCIAL SECURITY--CITY PERSONNEL.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

## CHAPTER 1

PERSONNEL SYSTEM

- 4-101. Purpose.
- 4-102. Coverage.
- 4-103. Administration.
- 4-104. Personnel rules and regulations; amendments.
- 4-105. Personnel policies and procedures manual.
- 4-106. Personnel records.
- 4-107. Right to contract for special services.
- 4-108. Discrimination.

4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Springfield that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or disability.

4-102. Coverage. All positions of the city shall be divided into classifications. The classified positions hereinafter referred to as the "classified service" shall include all regular full-time and regular part-time positions in the city. Other positions in the city are labeled as "non-covered" because they are simply not covered by the Fair Labor Standards Act (FLSA). All non-covered offices and positions shall be as follows:

- (1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices.
- (2) Members of appointive boards, commissions, or committees.
- (3) Persons employed to render the city expert, professional, technical, or other services of occasional character.
- (4) Volunteer personnel.
- (5) Persons employed by the city for not more than three (3) months during a fiscal year for special purposes and seasonal work.

- (6) Persons serving the city as independent contractors or under specific written agreements.
- (7) Persons retained as consultants.
- (8) City judge.
- (9) City attorney.

4-103. Administration. The city manager shall have the basic responsibility for the personnel program. He/she specifically shall:

- (1) Be responsible for effective personnel administration.
- (2) Delegate to the respective department head the authority to select and recommend for appointment all employees below the level of department head in positions authorized by the city manager.
- (3) Have final action for appointment and/or removal of regular full-time employees subject to the policies as set forth in the city charter, personnel manual and state laws.
- (4) Fix and establish the number of employees in the various city departments and offices; determine their duties, authority, responsibilities in accordance with the policies and procedures as set forth in the city charter; and determine their compensation subject to the budget limitations established by the Board of Mayor and Aldermen.

4-104. Personnel rules and regulations; amendments. The city manager shall implement and propose amendments to personnel rules and regulations adopted by the board. The Board of Mayor and Aldermen may adopt, by motion or resolution, amendments or revisions as recommended by the city manager.

4-105. Personnel policies and procedures manual. Personnel policies and procedures in the City of Springfield shall be as set forth in the "1992 Personnel Policies and Procedures Manual." (Ord. #092-21, Nov. 1992, modified; amended by Ord. #98-13, June 1998)

4-106. Personnel records. The city manager shall maintain adequate records of employment for all city employees.

4-107. Right to contract for special services. The Board of Mayor and Aldermen may direct the city manager to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.

4-108. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or

affiliations, or because of race, color, creed, national origin, sex, ancestry, age, religious belief or disability.



## CHAPTER 2

SOCIAL SECURITY--CITY PERSONNEL<sup>1</sup>

## SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports.
- 4-206. Part-time personnel.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1981 code, § 1-501)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1981 code, § 1-502)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1981 code, § 1-503)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1981 code, § 1-504)

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<sup>1</sup>Charter reference

See also Article VIII, Administration, for personnel rules, Nepotism Prohibited, departments, offices, etc...

4-205. Records and reports. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1981 code, § 1-505)

4-206. Part-time personnel. There is hereby excluded from this chapter any authority to make any agreement with respect to employees engaged in rendering services in part-time positions. The chairman is hereby authorized and directed to execute an amendment to the Social Security Agreement with the Director of Old Age and Survivors Insurance to include employees engaged in rendering services in part-time positions, effective January 1, 1977, and to exclude the services performed by election officials and election workers if the remuneration paid for such services is less than \$100.00 in a calendar year, to be effective not earlier than the last day of the calendar quarter in which a modification to the agreement is mailed to the Federal Social Security Administration, pursuant to Federal Law. (1981 code, § 1-506)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Created.

4-302. Title.

4-303. Purpose.

4-304. Coverage.

4-305. Standards authorized.

4-306. Variances from standards authorized.

4-307. Administration.

4-308. Funding the program.

4-301. Created. There is hereby created an occupational safety and health program for employees of the City of Springfield, as follows. (1981 Code, § 1-701, as replaced by Ord. #02-23, Jan. 2003)

4-302. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Springfield. (1981 Code, § 1-702, as replaced by Ord. #02-23, Jan. 2003)

4-303. Purpose. The City of Springfield, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.  
(2) Make, keep, preserve and make available to the Commissioner of Labor of the State of Tennessee, designated representatives, or persons within the Tennessee Department of Labor 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.

(3) 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. (1981 Code, § 1-703, as replaced by Ord. #02-23, Jan. 2003)

4-304. Coverage. The provisions of the occupational safety and health program for the employees of the City of Springfield shall apply to all employees of each administrative department, commission, board, division or other agency of the City of Springfield, whether part-time or full-time, seasonal or year round. (1981 Code, § 1-704, as replaced by Ord. #02-23, Jan. 2003)

4-305. Standards authorized. The occupational safety and health standards adopted by the City of Springfield 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 Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #02-23, Jan. 2003)

4-306. Variances from standards authorized. The City of Springfield may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Springfield shall notify or serve notice to 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 as designated by the City of Springfield shall be deemed sufficient notice to employees. (as added by Ord. #02-23, Jan. 2003)

4-307. Administration. For the purpose of this chapter, the assistant fire chief is designated as the director of occupational safety and health to perform duties and to exercise powers assigned. The director shall develop a plan of operation for the program and said plan shall become part of this chapter when it satisfies all applicable sections of Tennessee Occupational Safety and Health Plan. (as added by Ord. #02-23, Jan. 2003)

4-308. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Springfield. (as added by Ord. #02-23, Jan. 2003)

## TITLE 5

MUNICIPAL FINANCE AND TAXATION<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. ALCOHOLIC BEVERAGE TAXES.

## CHAPTER 1

MISCELLANEOUS

## SECTION

5-101. Claims against city subject to setoff.

5-101. Claims against city subject to setoff. Whenever any person, firm or corporation, having a claim against the city for services rendered, merchandise sold, or for anything else or otherwise, is indebted to the city for taxes or in any other manner, such debt due to the city shall be set off against such claim against the city before the same shall be paid, and no warrant shall be issued except for the balance found to be owing by the city after such setoff has been made.

Whenever such a setoff has been made the recorder shall issue a warrant to the city for the amount of such debt due to the city.

However, the board of mayor and aldermen may order such claim paid without such setoff being made, or direct that it be made in part only. Where the claim against the city consists of the wage or salary of a regular employee or officer of the city, the recorder is authorized to make the setoff herein provided for in installments. (1981 code, § 6-501)

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<sup>1</sup>Charter reference

See Article IX, Finance, for competitive bidding and purchasing procedures, accounting records, discharge of obligations, deficits, budget requirements, etc....

## CHAPTER 2

REAL PROPERTY TAXES<sup>1</sup>

## SECTION

5-201. When due and payable.

5-202. When delinquent--penalty.

5-203. Penalty and interest.

5-201. When due and payable. Taxes levied by the municipality against real property shall become due and payable annually on the date prescribed in Article X, section 2 of the city's charter. (1981 code, § 6-101)

5-202. When delinquent--penalty. All unpaid real property taxes become delinquent and be subject to a penalty in accordance with the provisions of Article X, section 2 in the city's charter. (1981 code, § 6-102)

5-203. Penalty and interest. Penalty of one half of one percent (.5%) and interest of one percent (1%) shall be added January 1, following the due date and on the first of each succeeding month. (As added by Ord. #095-10, Aug. 1995)

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<sup>1</sup>Charter reference

See generally Article X, Taxation, of the city charter.

## CHAPTER 3

PRIVILEGE TAXES GENERALLY<sup>1</sup>

## SECTION

5-301. Tax levied.

5-302. License required.

5-303. Inspectors 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 said 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 municipality at the rates and in the manner prescribed by the said act. (1981 code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the city recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1981 code, § 6-302)

5-303. Inspectors required. No person, after obtaining a Minimum Business License which has been issued by the city clerk, shall open a place of business to the public without prior inspection and approval by city building and codes, city fire marshall, city health department and/or the Springfield Police Department.

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<sup>1</sup>Charter reference

See generally Article X, Taxation, of the charter.

## CHAPTER 4

ALCOHOLIC BEVERAGE TAXES

## SECTION

5-401. Wholesale beer tax to be collected.

5-402. Tax on private clubs.

5-401. Wholesale beer tax to be collected. The city recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in chapter 6 of title 57, Tennessee Code Annotated. (1981 code, § 6-401)

5-402. Tax on private clubs. (1) As set out in Tennessee Code Annotated, section 57-4-301, it is hereby declared the legislative intent of this commission that every person is exercising a taxable privilege who engages in the business of selling, at retail in this city, alcoholic beverages for consumption on the premises.

(2) A privilege tax is levied for city purposes, to be paid annually, in the amount of three hundred dollars (\$300.00), on all private clubs, as defined in Tennessee Code Annotated, section 57-4-102, which sell at retail in this city alcoholic beverages for consumption on the premises. (1981 code, § 6-402)



TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.
3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

POLICE AND ARREST

SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Enforcement.
- 6-109. Fee for copies of audio tapes and written conclusions to polygraph tests.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1981 code, § 1-201)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1981 code, § 1-202)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the chief of police shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1981 code, § 1-203)

6-104. When policemen to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1981 code, § 1-204)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1981 code, § 1-205)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any 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. (1981 code, § 1-206)

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 policemen.

(3) All police investigations made, and other miscellaneous activities of the police department. (1981 code, § 1-207)

6-108. Enforcement. The police department is responsible for the enforcement of the laws of the State of Tennessee and the ordinances of the City of Springfield.

6-109. Fees for copies of audio tapes and written conclusions to polygraph tests. The City of Springfield shall charge \$40.00 per requested copy of the audio tape and \$40.00 per requested copy of the written conclusion to those persons who have been administered a polygraph test by the Springfield Police Department. (As added by Ord. #99-12, May 1999)

## CHAPTER 2

WORKHOUSE<sup>1</sup>

## 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 jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1981 code, § 1-401)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1981 code, § 1-402)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fine assessed against him. (1981 code, § 1-403)

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<sup>1</sup>State law reference

See Tennessee Code Annotated, section 40-24-104 for authority to commit to the workhouse.

## CHAPTER 3

CITATIONS, WARRANTS AND SUMMONSES

## SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

6-301. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the fire chief and the deputy fire marshals in the fire department and the codes administrator and the building and codes inspectors in the community development department special police officers having the authority to issue citations in lieu of arrest. The fire chief and deputy fire marshals in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code and other regulations adopted in title 7 of this municipal code of ordinances. The codes administrator and building and codes inspectors in the community development department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances, as well as residential yard sale violations in title 9, chapter 5.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed may:

- (1) Have a summons issued by the clerk of the city court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (as added by Ord. #10-03, March 2010, and replaced by Ord. #17-13, Oct. 2017)

6-302. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the animal control officers in the animal control

department and the public works operations superintendent in the sanitation department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the city court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (as added by Ord. #10-03, March 2010)

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. BURN PERMIT SYSTEM.
5. FIREWORKS.
6. RAPID ENTRY KEY LOCK BOXES.
7. AUTOMATIC SPRINKLER AND STANDPIPE SYSTEMS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 7-101. Fire limits described.
- 7-102. Parking prohibited within fire limits.

7-101. Fire limits described. The corporate fire limits shall be as follows:  
Beginning at the intersection of 4th Ave. and Willow St. in the center of the street and running thence with Willow St. in a southerly direction to the center of 5th Ave. E; thence east with the center of 5th Ave. E. to the center of Hill St.; thence south with the center of Hill St. crossing L & N Railroad to the center of 12th Ave.; thence west with center of 12th Ave. to the center of Cheatham St.; thence north with the center of Cheatham St. to the center of 7th Ave.; thence west with the center of 7th Ave. to the center of Oak St.; thence north with the center of Oak St. to the center of 4th Ave.; thence east with the center of 4th Ave. to the beginning. (1981 code, § 7-101)

7-102. Parking prohibited within fire limits. Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street within the fire limits 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.

CHAPTER 2

FIRE CODE

SECTION

- 7-201. Codes adopted.
- 7-202. Available in recorder's office.
- 7-203. Trucks for hauling gasoline, etc.
- 7-204. Conditions of service manual.

7-201. Codes 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 following codes are adopted:

(1) The NFPA 101-Life Safety Code, 2006 edition, as promulgated and adopted by the National Fire Protection Association, as adopted by the State of Tennessee, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code, and is hereinafter referred to as the life safety code, with the following modifications:

(a) The construction board of adjustments and appeals as established in title 2, chapter 8 of the Springfield Municipal Code shall act as a board of appeals for all code enforcement decisions made under this code.

(b) All violations and penalties under this code shall be administered as set forth in section 109 of the International Fire Code, 2012 edition, entitled "Violations" as modified.

(2) The International Fire Code, 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the fire prevention code of the city, with the following modifications:

(a) Whenever the "fire code official" is referred to in this code, it shall, for the purposes of the fire prevention code, mean the fire chief or any person the fire chief has appointed or designated to administer and enforce the provisions of the fire prevention code.

(b) Section 108 entitled "Board of Appeals" and Appendix A entitled "Board of Appeals" are rescinded in their entirety and shall be substituted by the construction board of adjustments and appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(c) Subsection 109.3 entitled "Violation Penalties" is rescinded in its entirety and shall be substituted by a new subsection 109.3 to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the fire code official, or a permit or certificate issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (Ord. #90-15, as replaced by Ord. #96-09, § 1, Feb. 1996, amended by Ord. #98-01, March 1998, and Ord. #99-03, May 1999, replaced by Ord. #01-01, March 2001, amended by Ord. #06-26, Nov. 2006, and replaced by Ord. #06-36, Feb. 2007, Ord. #08-09, June 2008, Ord. #10-12, June 2010, and Ord. #14-19, Oct. 2014)

7-202. Available in recorder's office. Pursuant to the requirement of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the NFPA 101-Life Safety Code and one (1) copy of the International Fire Code have been filed with the city recorder and are available for public use and inspection. Said codes are adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (1981 code, § 7-202, as replaced by Ord. #96-09, § 1, Feb. 1996, Ord. #01-01, March 2001, Ord. #06-36, Feb. 2007, Ord. #10-12, June 2010, and Ord. #14-19, Oct. 2014)

7-203. Trucks for hauling gasoline, etc. It shall be unlawful for any person owning or operating a tank truck or any other vehicle used for the purpose of transporting more than fifty (50) gallons of gasoline, kerosene, benzol, naphtha, or other volatile liquids to park such vehicle within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of such substances. (1981 code, § 7-205, as replaced by Ord. #96-09, §1, Feb. 1996, Ord. #01-01, March 2001, Ord. #06-36, Feb. 2007, and Ord. #14-19, Oct. 2014)

7-204. Conditions of service manual. In the event of a conflict between the provisions of the fire code and the requirements set forth in the City of Springfield Conditions of Service Manual, the Conditions of Service Manual shall control. (1981 code, § 7-206, as replaced by Ord. #96-09, § 1, Feb. 1996, Ord. #01-01, March 2001, Ord. #06-36, Feb. 2007, and Ord. #14-19, Oct. 2014)



## CHAPTER 3

FIRE DEPARTMENT

## SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Chief responsible for training and maintenance.

7-306. Equipment to be used only within corporate limits generally.

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 of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the governing body shall approve through the budget process. (1981 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. (1981 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. (1981 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 to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1981 code, § 7-304)

7-305. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1981 code, § 7-306)

7-306. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless authorized by a mutual aid agreement entered into by the city with another incorporated city or town or county. (1981 code, § 7-307)

7-307. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by chapter 17 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1981 code, § 7-308)

## CHAPTER 4

BURN PERMIT SYSTEM

## SECTION

- 7-401. Fires prohibited.
- 7-402. Permit required.
- 7-403. Application for permit.
- 7-404. Permits denied.
- 7-405. Enforcement.
- 7-406. Outdoor grilling.
- 7-407. Violations and penalty.

7-401. Fires prohibited. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-402. Permit required. A permit is required for all fires conducted outside of a building. In accordance with the detailed requirements of this jurisdiction a permit shall be obtained to conduct bonfires and outdoor rubbish fires, or to store, handle, or use materials that are considered to present an extra or unusual fire hazard to life or property. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-403. Application for permit. Application for permits shall be made to the fire department on forms provided by the jurisdiction and shall include the applicants answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the fire department. No fee is required for this burn permit. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-404. Permits denied. The fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-405. Enforcement. The fire department shall be authorized to enforce controlled fires and may occasionally request, in writing, the assistance of the police department. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-406. Outdoor grilling. Permitting does not apply to barbecues or outdoor grilling. (Ord. #093-14, Aug. 1993, as replaced by Ord. #96-14, § 1, Feb. 1996)

7-407. Violations and penalties. Any person, firm, corporation or agent who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state and local laws. (As added by Ord. #96-14, § 1, Feb. 1996)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definition of fireworks.

7-502. Definition of 1.4G fireworks (formerly known as Class C, common fireworks).

7-503. Definition of 1.3G fireworks (formerly known as Class B, special fireworks).

7-504. Definition of fireworks display.

7-505. Fireworks prohibited.

7-506. Exceptions.

7-507. Public display; permit required.

7-508. Penalty for violation.

7-509. Conflict with the fire prevention code.

7-510--7-516. [Deleted.]

7-501. Definition of fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-502. Definition of 1.4G fireworks (formerly known as Class C common fireworks). Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: parts 1500 and 1507. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-503. Definition of 1.3G fireworks (formerly Class B, special fireworks). Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than one hundred thirty (130) milligrams (2 grains) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other display pieces, which exceed the limits for classification of 1.4G fireworks. Such 1.3G fireworks are also described as fireworks, UN 0335 by the DOTn. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-504. Definition of fireworks display. A fireworks display is a presentation of fireworks for a public or private gathering. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-505. Fireworks prohibited. With the few exceptions authorized under this chapter, the possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits of Springfield. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-506. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, the use of fireworks for military/government operations, or for public displays of fireworks meeting the requirements of the fire prevention code. In addition, the codes administrator may, at any time, authorize the restricted use of 1.4G fireworks for public health purposes in order to disperse flocks of blackbirds and other bird pests. A permit for the restricted use of fireworks for public health purposes shall be issued and signed by the codes administrator or his or her designee before the approved fireworks can be discharged. The permitted fireworks shall be handled and discharged by a competent person approved by the codes administrator or his or her designee. The duration of the permit and the quantity of the permitted fireworks shall be the minimum needed to accomplish the public health purpose. The permitted fireworks shall be located and discharged in a manner that shall not be dangerous to persons or hazardous to property. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-507. Public display; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks that are to be used for public display only and which are otherwise prohibited for sale and use within the City of Springfield shall include display shells designed to be fired from mortars and display set pieces of fireworks classified as 1.3G fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. A condition for state issuance of a permit for public fireworks display is the approval of the chief official of the fire and of the police departments of the city. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity

with state law and will not be hazardous to life or property. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-508. Penalty for violation. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to the general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-509. Conflict with the fire prevention code. In the event of any conflict between the provisions of this chapter and the provisions of the fire prevention code pertaining to fireworks, the provisions of this chapter shall control. (as added by Ord. #06-26, Nov. 2006, as replaced by Ord. #07-18, Sept. 2007)

7-510--7-516. [Deleted.] (as added by Ord. #07-18, Sept. 2007)

CHAPTER 6

RAPID ENTRY KEY LOCK BOXES

SECTION

7-601. Definitions.

7-602. Compliance.

7-603. Rapid entry key lock box access system.

7-604. Not applicable.

7-605. Installation.

7-606. Key lock box contents.

7-607. Owner's responsibility.

7-608. Non-compliance.

7-609. No liability.

7-601. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter except where the context clearly indicates a different meaning:

(1) "Responsible party" means the business owner or the person(s) charged with the responsibility for the building or the occupancy of the building.

(2) "Key lock box" means a UL "listed" box meeting the same security key code adopted by the Springfield Fire Department.

(3) "Security padlock" means an approved padlock that utilizes the same security key code adopted by the Springfield Fire Department. (as added by Ord. #08-08, July 2008)

7-602. Compliance. All new commercial and industrial buildings permitted after the passage of the ordinance creating this chapter shall be required to comply with the provisions of this chapter. The cost of purchase or installation, along with any cost associated with the implementation of this program at a specific property, shall be borne by the responsible party. In addition, the Springfield Fire Department shall designate the type of key lock box system to be implemented within the city limits of Springfield. (as added by Ord. #08-08, July 2008)

7-603. Rapid entry key lock box access system. The following structures or properties located within the City of Springfield shall be equipped with a rapid entry key lock box system at an accessible location near the main entrance of the structure or property or at such other location approved by the Springfield Fire Department:

(1) All new commercial and industrial buildings;

(2) All new commercial and industrial buildings protected by an automatic alarm system or automatic suppression system, or such buildings that are secured in a manner that restricts access during an emergency;



(3) New multi-family residential dwellings that have restricted access through locked doors and have a common corridor for access to the living units or mechanical rooms;

(4) Any new building that the Springfield Fire Department determines lack of access may result in loss of life or extensive property or environmental damage, based on factors including, but not limited to, fire load, occupant load, exposures, building construction, or storage or handling of hazardous materials;

(5) New residential complexes where it is determined that lack of access may result in the loss of life or extensive property damage based on factors including, but not limited to, occupant load and building construction; and

(6) All new properties having security gates or devices which limit access to the building or property. (as added by Ord. #08-08, July 2008)

7-604. Not applicable. The provisions of this chapter shall not apply to those new structures where a twenty-four (24) hour, seven (7) day a week on site security force is present, provided members of the security force respond to all fire department responses with the correct means of accessing the affected buildings or areas. This chapter shall also not apply to new owner occupied one and two family dwellings. (as added by Ord. #08-08, July 2008)

7-605. Installation. All key lock boxes shall be installed on the front of the building near the main entrance door between four (4) and six (6) feet above the ground, unless otherwise approved. (as added by Ord. #08-08, July 2008)

7-606. Key lock box contents. All rapid entry key lock boxes shall contain the following:

(1) Labeled keys for locked points of ingress or egress whether on the interior or exterior of such building or property;

(2) Labeled keys to all fire alarm panels;

(3) Labeled keys to elevator rooms and controls;

(4) Labeled keys to all locked electrical or mechanical equipment rooms; and

(5) Other labeled keys as may be required by the Springfield Fire Department. (as added by Ord. #08-08, July 2008)

7-607. Owner's responsibility. All building and property owners are required to do the following:

(1) Install a rapid entry key lock box system;

(2) Provide the proper keys to the Springfield Fire Department for the required access;

(3) Notify the Springfield Fire Department when the locks or keys have been changed; and

(4) Keep the immediate area of the rapid entry key lock box free and clear of any and all obstructions. (as added by Ord. #08-08, July 2008)

7-608. Non-compliance. Non-compliance with the provisions of this chapter shall subject the responsible party to a fine under the penalty provisions of the Springfield Municipal Code. (as added by Ord. #08-08, July 2008)

7-609. No liability. The City of Springfield assumes no liability for any defects in the operation of the key lock box system, any of the keys contained within such unit, any information stored within the key lock box or otherwise provided to the City of Springfield, the failure or neglect of the owner or person in control of the building or facility, or the security of any property required to have a key lock box system. (as added by Ord. #08-08, July 2008)

## CHAPTER 7

AUTOMATIC SPRINKLER AND STANDPIPE SYSTEMS

## SECTION

- 7-701. Automatic sprinkler systems required.
- 7-702. Requirements determined in accordance with codes.
- 7-703. Applicable non-residential buildings and structures.
- 7-704. Applicable residential buildings and structures.
- 7-705. Other automatic extinguishing systems.
- 7-706. Reliable water supply.
- 7-707. Design and supervision of systems.
- 7-708. Installation, testing, inspection and maintenance.
- 7-709. Standpipe systems.
- 7-710. Types of standpipe systems.
- 7-711. Conflict with other codes.

7-701. Automatic sprinkler systems required. An approved automatic sprinkler system shall be provided for new construction as required by the International Building Code and the International Fire Code as adopted by the city, and the standards set forth in §§ 7-703 and 7-704 below for certain newly constructed buildings or structures, and for certain existing buildings and structures that will have a change in occupancy classification such that an automatic sprinkler system is required for the new occupancy classification under the provisions of this chapter or other city codes and standards. The automatic sprinkler system shall only be provided to that portion of the existing building or structure within which the occupancy classification will change. Buildings and structures may be constructed with fire walls meeting International building and International fire code requirements to separate the building or structure to less than the square footage provisions listed in § 7-703 below. (as added by Ord. #09-05, April 2009, and replaced by Ord. #11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-702. Requirements determined in accordance with codes The requirements for sprinkler systems and standpipes shall be determined in accordance with the most recent codes and standards adopted by the City of Springfield and as required in §§ 7-703 and 7-704 below. Construction plans for automatic sprinkler systems or standpipes shall note the codes under which the buildings or structures are to be constructed. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-703. Applicable non-residential buildings and structures. The following types of buildings or structures, as classified under the International Building

Code and International Fire Code, are subject to the requirements of this chapter when the buildings are within thirty feet (30') of a property line of any property with an existing residential use or property zoned for residential uses, and any building or structure within the defined fire limits per § 7-101 of this title:

- (1) Assembly: All A-1 buildings or structures five thousand (5,000) square feet or more in gross floor area,
- (2) Business: All buildings or structures five thousand (5,000) square feet or more in gross floor area.
- (3) Educational: All buildings or structures except detached portables,
- (4) Daycare: All buildings or structures two thousand (2,000) square feet or more in gross floor area or licensed for twenty (20) or more children,
- (5) Factory and industrial: All buildings or structures five thousand (5,000) square feet or more in gross floor area,
- (6) High hazard: All buildings or structures,
- (7) Institutional: All buildings or structures,
- (8) Mercantile: All buildings or structures five thousand (5,000) square feet or more in gross floor area,
- (9) Storage: All buildings or structures five thousand (5,000) square feet or more in gross floor area,
- (10) Utility and miscellaneous: All buildings or structures five thousand (5,000) square feet or more in gross floor area. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-704. Applicable residential buildings and structures. All residential use buildings or structures, except one- and two-family dwellings and townhouses constructed with a two (2) hour fire resistance rated separation wall assembly and constructed to meet the city's adopted residential code and the related accessory buildings, classified under the International building and fire codes, are subject to the requirements of this chapter. All residential uses located in a building with other occupancies defined by the International building and fire codes requires the residential use to be constructed under the standards of the International building and fire codes. Residential installations shall be in accordance with NFPA standards. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-705. Other automatic extinguishing systems. Where automatic sprinkler protection is determined to increase the hazard to the property or its occupants, other automatic extinguishing systems appropriate for the hazard shall be provided. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-706. Reliable water supply. Any building that is required to be equipped with a fire department connection (FDC) for the automatic sprinkler system as described in NFPA 13, 13D or 13R shall have a reliable water supply for use by the fire department. A reliable water supply shall mean a fire hydrant that meets the City of Springfield Department of Water/Wastewater requirements. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-707. Design and supervision of systems. Any automatic sprinkler system provided as a requirement of this section, or other code requirements, shall be designed and adequately supervised in accordance with the requirements of NFPA 72. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-708. Installation, testing, inspection and maintenance. Automatic sprinkler systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with current NFPA standards including any and/or all applicable local, state, and federal laws. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-709. Standpipe systems. Any building that is required to be equipped with a fire automatic sprinkler system shall have a standpipe systems installed in occupancies more than two (2) stories in height and/or exceeding twenty-five thousand (25,000) square feet or more gross floor area. One- and two-family residential dwellings and townhouses constructed with a two (2) hour fire resistance rated separation wall assembly and constructed to meet the city's adopted residential code are excluded. Standpipe systems shall comply with NFPA 14, "Standard for the Installation of Standpipe and Hose Systems." (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-710. Types of standpipe systems. Standpipe systems may be automatic, manual, combined with a sprinkler system, wet, dry, or any combination previously listed. The class of system installed shall be one (1) of the following: Class I, Class II, or Class III. (as added by Ord. #09-05, April 2009, and replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

7-711. Conflict with other codes. Where these requirements may conflict with the City of Springfield codes or state or federal regulations, the more stringent requirement shall apply. (as added by Ord. #09-05, April 2009, and

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replaced by Ord. # 11-01, March 2011, Ord. #14-24, Jan. 2015, and Ord. #15-09, Aug. 2015)

## TITLE 8

ALCOHOLIC BEVERAGES

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

## CHAPTER 1

INTOXICATING LIQUORS

## SECTION

- 8-101. Sale, etc., of intoxicating liquor regulated.
- 8-102. Definitions.
- 8-103. Manufacture prohibited.
- 8-104. Wholesale selling prohibited.
- 8-105. Application for certificate of good moral character and city license.
- 8-106. State license required.
- 8-107. Relocation of licensed retailer.
- 8-108. Restriction to location.
- 8-109. Minimum distance requirement.
- 8-110. [Repealed.]
- 8-111. [Repealed.]
- 8-112. Employee permits required to work in retail liquor store.
- 8-113. Display of license.
- 8-114. Transfer of permits restricted.
- 8-115. Expiration and renewal of license.
- 8-116. New license after revocation.
- 8-117. Federal license, effect of.
- 8-118. Inspection fee.
- 8-119. Regulations for purchase and sale of intoxication liquors.
- 8-120. Advertising and signage restrictions.
- 8-121. Canvassers and solicitors prohibited.
- 8-122. Failure to pay fees.
- 8-123. Inspection of books, etc.
- 8-124. Suspension or revocation of license.
- 8-125. Filing period moratorium.

8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the City of Springfield except as provided by title 57, chapter 1, Tennessee Code Annotated,

and by rules and regulations promulgated thereunder, and as provided in this chapter. (Ord. # 092-33, Feb. 1993)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine or beer, where the beer contains alcohol of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.

(3) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(5) "Manufacturer" means and includes a distiller, vintner, and rectifier. "Manufacture" means and includes distilling and rectifying, and operating a winery.

(6) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Title 57, Chapter 1, Tennessee Code Annotated.

(8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(9) "Words" importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural.

(10) "Federal license" shall not mean tax receipt or permit. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-103. Manufacture prohibited. The manufacture of alcoholic beverages is prohibited within the corporate limits. (Ord. # 092-33, Feb. 1993)

8-104. Wholesale selling prohibited. No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits. (Ord. # 092-33, Feb. 1993)



8-105. Application for certificate of good moral character and city license.  
Before any character certificate or city license is issued, the following must be accomplished.

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

(a) Name, age and address of the applicant.

(b) Number of years residence in the county.

(c) Occupation or business and length of time engaged in such occupation or business.

(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

(e) If employed, the name and address of employer.

(f) If in business, the kind of business and location thereof.

(g) The location of the proposed store for the sale of alcoholic beverages.

(h) The name and address of the owner of the store.

(i) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(j) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

(k) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the Alcoholic Beverage commission. The notice shall contain such information as is prescribed in Section (16) of Chapter 0100-3-.09 of the Local option Liquor Rules and Regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the Commission.

(l) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of five hundred (\$500) dollars.

(3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city

and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

(4) An applicant for a certificate of good moral character may be required to appear in person before the Board of Mayor and Aldermen for such reasonable examination as may be desired by the board.

(5) Each applicant shall be a resident of Robertson County. (Ord. # 092-33, Feb. 1993)

8-106. State license required. The city clerk shall not issue said license once approved until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the city manager the state retailers license issued to the applicant by the State Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993)

8-107. Relocation of licensed retailer. Should any retailer licensed under this chapter relocate said business so that the new business location is not in compliance with state law or city ordinance, the city manager shall immediately notify the Alcoholic Beverage Commission and recommend revocation of the license. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-108. Restriction to location. Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the City of Springfield. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the planning and zoning board has reviewed and recommends the site plan submitted by the applicant to the Board of Mayor and Aldermen.

No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall have night lighting surrounding the outside of the premises, and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 1000 square feet.

To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. (Ord. # 092-33, Feb. 1993)

8-109. Minimum distance requirement. No liquor store shall be located within a 600 foot distance of separation from a church, school or other public institution.

The distance of separation shall be determined by the length of a straight line drawn between the closest points of the building of the church, school or public institution and the building for which the license is sought. (Ord. #092-33, Feb. 1993)

8-110. [Repealed]. This section was repealed by Ord. # 094-12, June 1994. (Ord. # 092-33, Feb. 1993, as repealed by Ord. # 094-12, June 1994)

8-111. [Repealed]. This section was repealed by Ord. # 094-12, June 1994. (Ord. # 092-33, Feb. 1993, as repealed by Ord. # 094-12, June 1994)

8-112. Employee permits required to work in retail liquor store. It shall be unlawful for anyone to sell alcoholic beverages in a retail liquor establishment unless the seller shall first acquire an I.D. permit from the Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-113. Display of license. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (Ord. # 092-33, Feb. 1993)

8-114. Transfer of permits restricted. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military forces of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (Ord. # 092-33, Feb. 1993)

8-115. Expiration and renewal of license. Licenses issued under this chapter shall expire one year from the date of issuance and, subject to the provisions of this chapter, may be renewed each year by payment of applicable fees to the Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-116. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same

premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (Ord. # 092-33, Feb. 1993)

8-117. Federal license, effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (Ord. # 092-33, Feb. 1993)

8-118. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licensees under this chapter. Said fee to be at the maximum amount as provided for in TCA, § 57-3-501.

(2) The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Springfield as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the City of Springfield shall furnish the City of Springfield a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the Board of Mayor and Aldermen of the City of Springfield. The monthly report shall be furnished to the city recorder of Springfield not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Springfield shall be paid to the City of Springfield at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City of Springfield shall be entitled to reimbursement for this collection service a sum equal to five (5%) percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Springfield.

(5) Each wholesaler who fails to collect and/or remit in a timely matter the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten (10%) percent of the fee due the City of Springfield which shall be payable to the City of Springfield.

(6) The City of Springfield shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly report. (Ord. # 092-33, Feb. 1993)

8-119. Regulations for purchase and sale of intoxicating liquors. The following regulations shall apply in the purchase and sale of intoxicating liquors:

(1) It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

(3) No licensee shall sell intoxicating liquors at retail in connection with any other business or in the same store where any other business is carried on.

(4) No holder of a license for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered, any alcoholic beverages on credit.

(5) No alcoholic beverages shall be sold for consumption on the premises of the seller.

(6) The sale and delivery of alcoholic beverages shall be confined to the premises of the licensee.

(7) No form of entertainment, including pin ball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(8) No retailer shall own, use or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(9) A duly authorized representative of the city in cooperation with the Alcoholic Beverage Commission shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business.

(10) No retailer shall directly or indirectly operate more than one (1) place of business for the sale of alcoholic beverages, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(11) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away to any person accompanied by a person who is drunk.

(12) No retailer shall sell, lend, or give away any alcoholic beverages to a person under twenty-one (21) years of age.

(13) No retailer shall sell, lend, or give away any alcoholic beverages between 11 o'clock P.M. on Saturday and 8 o'clock A.M. on Monday of each week, and between 11 o'clock P.M. and 8 o'clock A.M. Monday through Saturday.

(14) No retailer shall sell, lend, or give away any alcoholic beverages on Christmas, Thanksgiving, Labor Day, New Year's Day, and the Fourth of July.

(15) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994, and replaced by Ord. #13-17, Nov. 2013)

8-120. Advertising and signage restrictions. (1) No advertising, signs, displays, poster, or designs intended to advertise any alcoholic beverage specified either by name brand or inference is permitted within the corporate limits of the City of Springfield except as approved herein inside the store. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(2) Each retail liquor store is allowed two signs on the premises and no signs off-premise. The building sign may be mounted on and parallel to the front of the building and shall not be more than 75 square feet in area. The free standing sign (if used) must meet the zoning requirements as to placement, etc., but can not have more than 32 square feet of surface area per side (maximum of 2 sides) and not be more than 20 feet in height.

(3) No advertising material or signage is allowed in, on, or near the inside window areas of the store. Advertising material inside the store will be along or on shelving and display areas so as to minimize blockage of aisle ways and line of sight of both store employees and public safety officials. (Ord. # 092-33, Feb. 1993)

8-121. Canvassers and solicitors prohibited. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This section shall not be construed to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises. (Ord. # 092-33, Feb. 1993)

8-122. Failure to pay fees. Whenever any of the persons licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (Ord. #092-33, Feb. 1993)

8-123. Inspection of books, etc. The city manager or his designee is authorized to examine the books, papers, and records of any licensee for the

purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (Ord. # 092-33, Feb. 1993)

8-124. Suspension or revocation of license. In addition to any pecuniary penalty, any violation of the terms of this chapter shall make mandatory the suspension of said license by the city manager for thirty (30) days and in the discretion of the Board of Mayor and Aldermen may be cause for revocation of said license. (Ord. # 092-33, Feb. 1993)

8-125. Filing period moratorium. There shall be a filing period of sixty (60) days after the effective date of this ordinance so that no application will be considered for approval until the planning commission convenes for its regular May 1993 meeting in accordance with this ordinance. (Ord. # 092-33, Feb. 1993)

CHAPTER 2

BEER

SECTION

- 8-201. Beer board established.
- 8-202. Meeting 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. Powers and duties of the city recorder.
- 8-207. "Beer" defined.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
- 8-210. Beer permits shall be restrictive.
- 8-211. Minimum distance from church or school.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-213. Prohibited conduct or activities by beer permit holders, their agents and/or employees.
- 8-214. Revocation of beer permits.
- 8-215. Civil penalty in lieu of suspension.
- 8-216. Loss of clerk's certification for sale to minor.
- 8-217. Special occasion permit.

8-201. Beer board established. There is hereby established a beer board to be composed of a chair plus one (1) member from each ward of the city. The chair shall be appointed by the mayor and each alderman shall appoint a member from their ward. The chair and board members shall each serve four (4) year terms. The members from odd numbered wards shall be subject to appointment in 1992 and every four (4) years thereafter, barring their conviction of any crime involving moral turpitude or their being removed from office by a simple majority vote of the board of mayor and aldermen. The members from even numbered wards shall be subject to appointment in 1994 and every four (4) years thereafter, barring their conviction of any crime involving moral turpitude or their being removed from office by simple majority vote of the board of mayor and aldermen.

To qualify for appointment and continued service on the board as a member or as chair, one must reside in the city to serve as chair and in the particular ward to serve as a member for at least one (1) year prior to appointment and be registered to vote.

If the chair resigns for any reason the mayor shall appoint a successor to serve the unexpired term subject to the above conditions. If a member resigns for any reason the respective alderman for the resigning member's ward shall appoint a successor to serve the unexpired term subject to the above conditions.



(Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-202. Meetings of the beer board. All meetings shall be open to the public. The board shall hold its meetings on the second Thursday of every month at 5:30 P.M. or by call of the chairman. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-203. Record of beer board proceedings to be kept. The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-206. Powers and duties of the city recorder. The city recorder shall have the authority to issue temporary beer permits to new owners of businesses at locations where a beer permit is currently in place. The owner and location shall meet all requirements of this chapter. The temporary beer permit shall remain in effect pending the next meeting of the beer board at which it may take action on the application. At that meeting the beer board may issue a beer permit in accordance with this chapter. (Ord. #90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-207. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beer, ale, and other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101. (Ord. #093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-19, Nov. 2016)

8-208. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application for and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check or money order payable to the City of Springfield. 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. Pursuant to Tennessee Code Annotated, § 57-5-103 the city shall not issue a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the city . (Ord. #093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-02, March 2016)

8-209. 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 manufacture of beer shall remit the tax on January 1st of each year to the City of Springfield, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-210. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premised consumption. It shall be unlawful for any beer permit holder to engage in any type of phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #90-24, as amended by Ord. #091-23, Feb. 1992, repealed by Ord. #094-20, Nov. 1994, and replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-211. Minimum distance from church or school. Conditions under which issuance of permit is prohibited are as follows:

(1) General. In the consideration of such application the city recorder and/or the beer board shall take into consideration the proximity of schools

(public or private), daycares, parks, playgrounds, churches, and other places of public gathering, and interference with public health, safety and morals.

No permit shall be issued to any person for a location which fails to comply with any health ordinances or any regulation of the department of health or which would violate any zoning and/or code ordinances of the city.

No beer permit shall be issued to any person for the conduct of any business at any point or place in the corporate limits of the city unless such place is zoned for, or authorized to be used for commercial or other purposes, corresponding to the character of the business contemplated in this chapter.

(2) "On-premise" permit. No on-premise type permits shall be issued authorizing the storage, sale, or manufacturing of beer within three hundred feet (300') of any school (public or private), daycare, park, playground or church as measured on a straight line from the nearest point of the school (public or private), daycare, park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

On-premise permits shall not be issued except to eating establishments that possess seating capacities for not less than twenty-five (25) persons and where hot meals or lunches are regularly served and where food revenues make up at least forty percent (40%) of the gross sales of the business. The premises must be regularly inspected by the State Health Department and have the permit publicly displayed at all times. The premises must be equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

This subsection shall not be applicable to qualifying entities who have received a special occasion license under chapter 4, title 57 of Tennessee Code Annotated.

A minimum distance requirement of one hundred feet (100') shall be applicable to otherwise fully qualified eating establishments located in the core area portion of the Springfield Central Business District which surrounds the historic Robertson County Courthouse, a National Register property located in the CC, Core Commercial Zone; and further described as within the area that includes all buildings fronting on South Main Street between 5th Avenue West and 6th Avenue West, all buildings fronting on 6th Avenue West between South Main Street and South Locust Street, all buildings fronting Court Square West between 5th Avenue West and 6th Avenue West, and all buildings fronting 5th Avenue West between North Main Street and North Locust Street.

(3) "Off-premise" permit. No off-premise type permit will be issued authorizing the storage, sale or manufacturing of beer within three hundred feet (300') feet of any school (public or private), daycare, park, playground, or church as measured on a straight line from the nearest point of the school, daycare,

park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

(4) Conditions of permit. Every person to whom a beer permit is issued agrees to the following conditions:

(a) The premises are declared to be a public place for the purpose of inspection by city inspectors, by officers of the police department or by any other duly authorized law enforcement officer.

(b) The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and shall permit the city recorder or his duly authorized agents, representatives or employees to inspect, at any time during normal business hours, all such invoices, books, papers and memoranda as may be deemed necessary in the opinion of the city recorder or his authorized agent, representative or employee in ascertaining whether or not all revenue and taxes have been paid or in determining the amount of such taxes that may be due.

(5) Revocation. Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises to the same business enterprise or its employees operating the premises until after the expiration of one (1) year from the date such revocation becomes final and effective; provided however, said premises shall be eligible for the issuance of a new beer permit to a business enterprise or its employees, an owner and/or a lessee who was not subject to the revocation of a beer permit at such location provided all requirements of the code regarding the location of on and/or off-premises beer permits shall be met. However, a permit shall not be issued to a partner, employee, associate or relative of the holder of a revoked permit if said relationship existed at the time of the offense.

(6) Revocation or suspension; proximity to schools, daycares, churches or places of public gathering. (a) The city shall not suspend, revoke or deny a permit to a business engaged in selling, distribution or manufacturing beer on the basis of the proximity of the business to a school (public or private), daycare, park, playground, church or other place of public gathering if a valid permit had previously been issued to any business on that same location. This section shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

(b) For the purposes of this section, "on that same location" means within the boundaries of the parcel or tract of the real property on which the business was located. The provisions of this section apply whether or not business moves the building on the location and whether

or not the business was a conforming or nonconforming use at the time of the move.

(c) If a business applies for a beer permit within the continuous six (6) month period referenced in this section, and if the city denies the business a permit and if the business appeals that denial, a new six (6) month continuous sale period shall begin to run on the date when the appeal of that denial is final. (Ord. # 092-01, April 1992, as replaced by Ord. #04-06, Nov. 2004, Ord. #06-14, Sept. 2006, Ord. #07-05, March 2007, Ord. #07-23, Nov. 2007, Ord. # 11-11, Dec. 2011, and Ord. #13-06, June 2013)

8-212. 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 within past five (5) years, or any felony within the past ten (10) years. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-213. Prohibited conduct or activities by beer permit holders, their agents, and/or employees. It shall be unlawful for beer permit holders, their agents and/or employee(s) to:

(1) Employ any person convicted for the possession, sale, manufacturer, or transportation of intoxicating liquor within the past five (5) years or any felony within the past ten (10) years.

(2) Allow any person under eighteen (18) years of age to loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. This section does not prohibit the otherwise lawful patronage by minors of establishments whose primary activity is lawful activity other than the sale of beer or alcohol. Primary activity for purposes of this section means that at least seventy-five percent (75%) of the gross receipts of the establishment are the result of activity other than the sale of beer or alcohol. The beer permit holder shall furnish such documentation as may be required by the city to establish this percentage.

Beer permit holders whose primary activity, as defined above, is lawful activity other than the sale of beer or alcohol, may employ minors under eighteen (18) years of age. However, persons under eighteen (18) years of age who work in beer places shall not be allowed to touch, handle or move any glass, mug, can, bottle, package, carton, case, keg or other container in which beer is served, held or kept in storage. Persons under eighteen (18) years of age may work in beer places only between the hours of 6:00 A.M. to 10:00 P.M. Persons under eighteen (18) years of age who work in beer places and their employers shall be required to register with the city and receive a permit authorizing the employment of each individual minor prior to beginning work. Each permit shall be good for a period of ninety (90) days. The permit shall contain the name and location of the establishment, the name of the owner or manager of the

establishment; and the name, address, date of birth and job title of the minor being employed.

A violation of this subsection is unlawful. In addition, a violation of this subsection shall subject the beer permit holder to the penalties and procedures set forth in this chapter.

(3) Hours of sale. It shall be illegal for any beer license holder to make or allow any sale, give away, or distribute any beer or alcoholic beverage between the hours of 3:00 A.M. and 6:00 A.M. Monday through Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. However, any person holding a beer license for on-premises and/or off-premises consumption shall be allowed to sell beer from 10:00 A.M. Sunday to 3:00 A.M. on Monday. No beer or alcoholic beverage should be consumed or opened for consumption, on or about any premises licensed by the City of Springfield, in either bottle, glass or other container, after 3:15 A.M.

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

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

(8) Serve or sell on his premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight unless licensed for liquor by the drink.

(9) Allow gambling on his premises.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women.

(11) Allow beer to be distributed through sale or otherwise, from any vending apparatus or machine.

(12) Stock or sell any drug related paraphernalia, illegal or otherwise, as defined by Tennessee Code Annotated, § 39-1 7-402. (Ord. #90-24, as amended by Ord. #091-23, Feb. 1992; Ord. #095-03, April 1995; and Ord. #95-22, Dec. 1995; and replaced by Ord. #99-11, May 1999, Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-04, April 2016)

8-214. Revocation of beer permits. The beer board shall have the power to revoke or suspend any beer permit, as well as issue letters of warning to holders of beer permits, issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his/her application or of violating any of the provisions of this chapter.

However, no beer permit shall be revoked or suspended, nor shall any letters of warning be issued, until a public hearing is held by the board after reasonable notice to all the known parties in interest. Proceedings under this section may be initiated by the police chief, his designated representative or by any member of the beer board.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. # 90-24, as amended by Ord. # 094-20, Nov. 1994, and replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-215. Civil penalty in lieu of suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. # 093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-216. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be

invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #07-23, Nov. 2007)

8-217. Special occasion permit. A special occasion permit may be issued to entities qualifying for a special occasion license under Tennessee Code Annotated, chapter 4, title 57. The entity must provide proof sufficient to the beer board that they have obtained a special occasion license from the Tennessee Alcoholic Beverage Commission for a special occasion. The beer board may issue a permit for the on-premise sale of beer for the location and on the dates approved in the state license for the sale of alcoholic beverages upon submission of an application to the city recorder and a special occasion fee of one hundred dollars (\$100.00) per twenty-four (24) hour period of the special occasion. For the purpose of this provision, the board of mayor and aldermen adopts all requirements of the Tennessee Alcoholic Beverage Commission with respect to special occasion licenses and the city recorder shall obtain a written statement from the applicant that they are familiar with those requirements and agree to abide by them in the on-premise sale of beer under the special occasion permit. (as added by Ord. # 11-11, Dec. 2011)



## TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

## CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. YARD SALES.
6. ADULT ORIENTED BUSINESS ESTABLISHMENTS.

## 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 falsely to 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. (1981 code, § 5-102)

CHAPTER 2

PEDDLERS, ETC.

SECTION

- 9-201. Definitions.
- 9-202. Permit required.
- 9-203. Exemptions.
- 9-204. Application for permit.
- 9-205. Issuance or refusal of permit.
- 9-206. Appeal.
- 9-207. Bond.
- 9-208. Loud noises and speaking devices.
- 9-209. Limitations on use of streets and sidewalks.
- 9-210. Prohibitions.
- 9-211. Exhibition of permit.
- 9-212. Revocation or suspension of permit.
- 9-213. Reapplication.
- 9-214. Number of permits.
- 9-215. Permits for local farmers.
- 9-216. Requirements for certain products.
- 9-217. Conduct of solicitors.
- 9-218. Hours in which business may be conducted.
- 9-219. Trespassing.
- 9-220. Violation and penalty.
- 9-221. Deleted.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this chapter:

(1) "Goods," "wares" or "merchandise" shall mean all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional, but not necessarily limited to souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, directional information and/or charts, street photographers, tools or mechanical devices of any nature, and farm produce.

(2) "Peddler" shall mean any person who goes from dwelling to dwelling, business to business, place to place, or from street to street carrying or transporting goods, wares or merchandise and offering or exposing the same for sale, and makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer.

(3) "Solicitor" shall mean any person who goes from dwelling to dwelling, business to business, place to place, or from street to street taking or

attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatsoever for future delivery.

(4) "Transient vendor" shall mean any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, parking lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks or merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (Ord. # 092-17, Aug. 1992, as amended by Ord. #094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-202. Permit required. It shall be unlawful for any peddler, solicitor or transient vendor to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter.

(1) An application for a "peddlers and solicitors permit" shall be submitted to the city clerk.

(2) An application for a "transient vendors permit" shall be submitted to the community development department along with written permission from the property owner of the location at which sales will be conducted.

(3) No permit shall be used at any time, or place, by any person other than the one to whom it is issued and, if applicable, the location issued for.

(4) An application must be filed at least five (5) working days prior to the event or sales activity.

(5) Each applicant shall submit to the city clerk or community development department a copy of their State of Tennessee "certificate of registration" per state law, except for isolated or incidental sales. (Ord. #092-17, Aug. 1992, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-203. 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; nor to a person receiving authorization to ply his trade at a county fair or special event, fair, festival or bazaar solely sponsored and conducted by a bona fide charitable, religious, patriotic, or philanthropic organization. (Ord. # 092-17, Aug. 1992, as

amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-204. Application for permit. Applicants for a peddlers and solicitors permit shall file with the city clerk, and applicants for a transient vendor permit shall file with the community development department, a sworn written application containing the following for each peddler, solicitor or transient vendor:

- (1) Name and physical description of the applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient vendors, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold or the nature of the solicitation;
- (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, not to exceed fourteen (14) days;
- (6) Two (2) means of identification, one (1) of which must be government issued identification that includes a clear photograph 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 therefore;
- (9) The last three (3) cities or towns, if that many, where the applicant carried on business immediately preceding the date of application and, in the case of transient vendors, the addresses from which such business was conducted in those municipalities;
- (10) An approval to use the property for the period specified, signed by the property owner.
- (11) A non-refundable fee of twenty-five dollars (\$25.00) shall be paid to the city at the time the application is filed; and
- (12) The applicant shall also submit as a part of the application, and at his/her cost, a criminal history record issued by the Tennessee Bureau of Investigation within the last thirty (30) days. (1981 code, § 5-204, as amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-205. Issuance or refusal of permit. (1) Within three (3) business days of receipt of a complete application and all applicable fees and taxes, the information presented on the application shall be investigated by the city.

(2) If as a result of such investigation the applicant's moral reputation and/or business responsibility is found to be unsatisfactory, the city clerk or community development department shall notify the applicant that his application is disapproved and that no permit will be issued. If, on the other hand, the moral reputation and business responsibility of the applicant are satisfactory, a revocable permit shall be issued by the city clerk or community development department upon the payment of all applicable fees and taxes and the filing of the bond required. A permanent record shall be kept of all permits issued. (1981 code, § 5-205, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-206. Appeal. Any person aggrieved by the action of the city clerk or community development department in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor or city manager, 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 applicant. 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 the 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. (1981 code, § 5-207, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-207. Bond. Every applicant for a permit shall file with the city clerk or community development department a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permit holder shall comply fully with the provisions of the ordinances of the city and the statutes of the state and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permit holder, and further guaranteeing to any citizen of the city doing business with said permit holder that the property purchased will be delivered according to the representations of the permit holder. 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. (1981 code, § 5-208, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-208. Loud noises and speaking devices. No permit holder, 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 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 permit holder proposes to sell. (1981 code, § 5-209, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-209. Limitations on use of streets and sidewalks. No permit holder 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 or code enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1981 code, § 5-210, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-210. Prohibitions. The following activities shall be declared unlawful:

(1) Soliciting by a parked vehicle or movable receptacle on public streets, highways, sidewalks, rights-of-way, and public places.

(2) The erection of stands or similar contrivances on public streets, highways, sidewalks, rights-of-way, and public places for the purpose of giving away, displaying and/or buying or selling of goods, wares or merchandise.

(3) Sale of drinks or other prepared foods and/or edible items upon public streets, sidewalks, highways and rights-of-way, except as may be regulated elsewhere in this code. (1981 code, § 5-211, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-211. Exhibition of permit. Permit holders are required to exhibit their permits for inspection at all times and upon the request of any police officer, code enforcement officer, city official or citizen. Failure to exhibit a permit shall constitute a violation of this section. (1981 code, § 5-212, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-212. 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 peddler, solicitor or transient vendor;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor;

(d) Conducting the business of peddler, solicitor or transient 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 the 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 permit holder at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for the hearing.

(3) The city manager may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1981 code, § 5-213, as replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-213. Reapplication. No permit holder whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. # 092-17, Aug. 1992, as amended by Ord. # 094-27, Feb. 1995, and replaced by Ord. #08-32, Feb. 2009, and Ord. #17-13, Oct. 2017)

9-214. Number of permits. Each peddler, solicitor or transient vendor making application for a permit is only eligible to receive one (1) permit during a calendar year, and is valid for a fourteen (14) day consecutive day period. Transient vendor permits shall not be required for the Springfield-Robertson County Farmers Market, or for events hosted or sponsored by the City of Springfield or Robertson County Chamber of Commerce. A permit may not be extended. (1981 code, § 5-305, as replaced by Ord. #08-32, Feb. 2009, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-215. Permits for local farmers. Robertson County farmers selling agricultural products, grown and produced on their own land, shall be required to have a "transient vendors" permit, but the permit shall be valid from April through October. The same twenty-five dollar (\$25.00) transient vendor permit fee applies, as well as the written consent from the property owner. Such farmers shall also have an exemption from the bond and criminal history record requirements of this chapter. Agricultural products include fruits, vegetables, farm-fresh eggs, butter, herbs, honey, jams, jellies, sauces, nuts, bread, meat, poultry, fish, cheese, cider, syrup, flowers, potted plants, and similar items. (as added by Ord. #08-32, Feb. 2009 and replaced by Ord. #10-05, April, 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-216. Requirements for certain products. Baked goods, farm fresh eggs, jams, jellies, sauces, cider, breads, meat, poultry and fish offered for sale by transient vendors shall have been prepared in legal, licensed, approved and inspected facilities by the Tennessee Department of Agriculture or the United States Department of Agriculture (USDA). Proof of inspection shall be required and must be prominently posted at the location of sale. (as added by Ord. #08-32,

Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-217. Conduct of solicitors. It shall be unlawful for any person receiving a permit under this chapter to use any force, threat, harassment, coercion, or misrepresentation of the truth to solicit contributions or anything else of value. It shall also be unlawful for any permit holder to block, impede, hinder, interfere with, or slow the progress of the orderly flow of vehicular or pedestrian traffic. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-218. Hours in which business may be conducted. No permit holder shall conduct business before the hour of 8:00 A.M. or after the hour of 8:00 P.M. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-219. Trespassing. It shall be unlawful and deemed to be a trespass for any peddler, solicitor or transient vendor to fail to promptly leave the private premises of any person who requests him to leave. (as added by Ord. #08-32, Feb. 2009, and replaced by Ord. #10-05, April 2010, Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-220. Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be subject to the penalty provisions of this code. (as added by Ord. #10-05, April 2010, and replaced by Ord. #12-13, Dec. 2012, and Ord. #17-13, Oct. 2017)

9-221. Deleted. (as added by Ord. #12-13, Dec. 2012, and deleted by Ord. #17-13, Oct. 2017)



## 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. Conduct of solicitors.

9-301. Permit required. It shall be unlawful for any person to solicit contributions or anything else of value for any real or alleged charitable, religious, or other non-profit organization without a permit from the city clerk authorizing such solicitations. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable, religious, or other non-profit purposes if the solicitations are conducted exclusively by the local 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 locally established organization or church. For the purposes of this chapter, a locally established organization or church shall be defined as one which conducts regular meetings in Springfield, Tennessee, the majority of whose members reside in Springfield, Tennessee, and whose organizational charter define it as being a religious, charitable, or other non-profit organization under the most current laws of the State of Tennessee. (1981 code, § 5-301)

9-302. Prerequisites for a permit. Applicants for a permit under this chapter must file with the city clerk a written application on a form provided by the city clerk. A separate application is required for each person seeking to solicit for an organization covered by this chapter. The city clerk shall issue a permit authorizing solicitations by charitable, religious, or other non-profit organizations when, after an investigation by the Springfield Police Department, he finds the following facts to exist:

- (1) The applicant has not been convicted of any felony within the last ten years and has never been convicted of any offense involving any fraudulent transaction or enterprise.
- (2) The organization for which the applicant seeks to solicit has never engaged in any fraudulent transaction or enterprise.
- (3) The control and supervision of the solicitation will be under responsible and reliable persons.
- (4) The solicitation will not be a fraud on the public, but will be for a bona fide purpose as covered by this chapter.
- (5) The solicitation is prompted solely by a desire to finance the cause described in the application. (1981 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. (1981 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 policeman or person solicited. (1981 code, § 5-304)

9-305. Conduct of solicitors. It shall be unlawful for any person receiving a permit authorizing solicitations under this chapter to use any force, threat, harassment, coercion, or misrepresentation of the truth to solicit contributions or anything else of value. It shall also be unlawful for any solicitor to block, impede, hinder, interfere with, or slow the progress of the orderly flow of vehicular or pedestrian traffic. No solicitation covered by this chapter shall be conducted before the hour of 8:00 a.m. or after the hour of 8:00 p.m. except by the request of a resident. (1981 code, § 5-305, modified)

CHAPTER 4

TAXICABS<sup>1</sup>

SECTION

- 9-401. Definitions.
- 9-402. Franchise and privilege license required.
- 9-403. Qualifications for franchise.
- 9-404. Application for franchise.
- 9-405. Revocation or suspension of franchise.
- 9-406. Annual renewal.
- 9-407. Semi-annual reporting of taxicabs in operation.
- 9-408. Taxicabs to be licensed and identified.
- 9-409. Annual mechanical safety inspection.
- 9-410. Liability insurance required.
- 9-411. Mechanical condition of vehicle.
- 9-412. Cleanliness of vehicle.
- 9-413. Transfer of franchise.
- 9-414. Suspension and revocation of franchise.
- 9-415. Taxicab driver's permit required.
- 9-416. Qualifications and application for driver's permit.
- 9-417. Police investigation of applicant.
- 9-418. Consideration of application and issuance of permit.
- 9-419. Fees.
- 9-420. Display of permit.
- 9-421. Suspension and revocation of permits.
- 9-422. Rules of driver conduct.
- 9-423. Taxicab service to be comprehensive.
- 9-424. Accidents.
- 9-425. Police department duty to enforce chapter.
- 9-426. Fares and rates.
- 9-427. Violations.

9-401. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Franchise" shall mean a certificate issued by the Board of Mayor and Aldermen of Springfield, authorizing the holder thereof to conduct a taxicab business in Springfield, Tennessee. Franchise is non-exclusive.

(2) "Holder" means a person to whom a taxicab franchise has been issued.

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<sup>1</sup>For privilege tax provisions, etc., see title 5 in this code.

(3) "Person," when used within this chapter, means any individual, firm, co-partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or person representative thereof.

(4) "Taxicab" shall mean any motor vehicle engaged in the business of carrying passengers for hire primarily within the corporate limits and the suburban territory adjacent thereto, except buses and other common carriers operating over designated routes in and through the city.

(5) "Rate card" shall mean a card issued by the city clerk for display in each taxicab which contains the rates of fare then in force.

(6) "Conduct a taxicab business" shall be held to mean the use of one (1) or more taxicabs within the corporate limits of the City of Springfield, by the owner thereof, for the purpose of carrying passengers for hire, either by driving the same himself or having same driven by some other person.

(7) "Driver permit" means the permission granted by the city clerk and chief of police to a person to drive a taxicab upon the streets of the City of Springfield. (1981 code, § 5-401, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-402. Franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless first having obtained a taxicab franchise from the city and having a currently effective minimum business license as required by Tennessee Code Annotated, § 67-4-704. All persons desiring to operate taxicab businesses within the City of Springfield are hereby required to make application to the board of mayor and aldermen for a franchise. This section shall not be so construed as to require any person lawfully engaged in the taxicab business solely within another municipality to obtain from the board of mayor and aldermen a franchise authorizing the transportation of passengers to Springfield, Tennessee. (1981 code, § 5-402, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-403. Qualifications for franchise. No person shall be granted a franchise to operate a taxi service unless he meets the following qualifications to the satisfaction of the city clerk and chief of police:

(1) No person shall be eligible for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years; nor shall such franchise be issued to or held by any corporation if any officer thereof would be ineligible for a franchise under the foregoing conditions.

(2) Is at least twenty-one (21) years of age and is properly licensed by the State of Tennessee.

(3) Is clean in dress and person.

(4) At the time of application must produce affidavits of good character from two (2) reputable citizens of this city who have known him personally and

have observed his conduct for at least five (5) years next preceding the date of his application for a franchise.

(5) Has not been convicted, pled guilty, placed on diversion, probation or parole; or pleaded nolo contendere to any felony within the last ten (10) years. If at the time of the application, the applicant is charged with any such offenses the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

(6) Has not been convicted, plead guilty, or pled nolo contendere to drunk driving, driving under the influence of any intoxicant or drug, hit and run, reckless or careless driving in the last five (5) years, or been involved in three (3) or more moving traffic violations during a period of three (3) years immediately preceding the date of application. If at the time of the application the applicant is charged with any such offenses the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

(7) Provides a certified copy of his driving record that is less than thirty (30) days old.

(8) Provides a criminal history record from the FBI. (1981 code, § 5-403, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-404. Application for franchise. No person shall be granted a franchise to operate a taxi service unless he meets the application requirements as stated herein to the satisfaction of the city clerk and chief of police. The application for a franchise shall be filed with the city clerk upon forms provided by the City of Springfield. The application shall be verified under oath and shall be filed under the conditions required as follows:

(1) The application for a franchise shall state whether or not the business is to be operated by an individual, partnership, or corporation. If by an individual, the name of such individual, or by partnership, and if by corporation, the place, book, and page number where such charter is of record shall be stated on the application.

(2) The application shall state the number of cabs to be operated, the make and year models of said cabs, and such other pertinent information as the chief of police may require, the location of the proposed place of business, and the proposed rates to be charged.

(3) As soon as all information required in the application is forwarded along with the application, the chief of police shall make a thorough investigation of the applicant, present the application to the board of mayor and aldermen and make a recommendation to either grant or refuse a franchise to the applicant.

(4) Subject to the provisions of § 9-402, a franchise authorizing the operation of taxicabs within the City of Springfield, shall be issued to any qualified applicant found to be fit, willing, and able to properly perform the service proposed and to conform to the provisions of this chapter, provided the

proposed service authorized by such franchise is or will be required by the present or future public convenience and necessity. No franchise issued under this chapter shall confer any proprietary or property rights in the use of the streets and highways within the city.

(5) Any franchise issued under the provisions of this chapter shall specify the date issued and the service to be performed.

(6) The application for a franchise shall also include the following information:

(a) The name and address of the person making application for the franchise.

(b) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

(c) The experience of the applicant in the transportation of passengers.

(d) The location of any proposed depots and terminals.

(e) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

(f) Procedures for training drivers.

(g) Rules and regulations governing driver appearance and conduct.

(h) Such additional information as the board of mayor and aldermen may require. (1981 code, § 5-404, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-405. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefore or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1981 code, § 5-405, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-406. Annual renewal. Each taxicab franchise shall be issued for one (1) year and shall expire on the anniversary date of the certificate. A certificate may be renewed for each successive year by the person or corporation making the original application by meeting all the requirements of the original franchise application. This includes submitting an updated certified driving record along with an updated criminal history. Failure to renew by the anniversary date shall result in forfeiture of the franchise. An updated FBI criminal history shall be submitted every five (5) years after the date of the issuance of the initial franchise certificate as a part of the annual renewal. A TBI criminal history less than thirty (30) days old shall be submitted with the annual renewal in every year that an FBI criminal history is not required. (1981 code, § 5-406, as replaced by Ord. #96-27, § 1, June 1996, Ord. #08-05, July 2008, and Ord. # 11-04, June 2011)

9-407. Semi-annual reporting of taxicabs in operation. Persons granted a taxicab franchise shall provide a semi-annual report to the city clerk identifying the taxicabs being insured and operated. The report shall include the make, model and license number of each taxicab in operation along with documentation exhibiting current liability insurance. (1981 code, § 5-408, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-408. Taxicabs to be licensed and identified. No taxicab shall be operated unless it bears a state license duly issued. Each taxicab shall be equipped with a light on its top which identifies the vehicle as a taxicab. Each taxicab shall bear on the outside of each front door, in painted or permanently affixed letters not less than three (3) inches in height, the name of the company and may, in addition, bear an identifying design which has been approved by the Springfield Board of Mayor and Aldermen. Each taxicab shall bear on the rear and on each side, in painted or permanently affixed numbers not less than three (3) inches in height, a number identifying each taxicab. Any operating taxicab that is ten (10) years old or older shall undergo an annual mechanical safety inspection performed by a local automotive mechanical shop approved by the City of Springfield or the service shop of a new and/or used car dealership authorized to sell and service that particular make of vehicle. Any taxicab placed into operation after the effective date of this chapter must conform to the uniform paint color selected by the franchise holder for his vehicles. Any franchise holder whose taxicabs are non-compliant with the safety and identification requirements of this chapter shall immediately remove from operation any non-compliant taxicab or have his franchise revoked. Any franchise holder whose taxicabs were in operation prior to the effective date of this chapter and whose taxicabs are non-compliant with the safety and identification requirements of this chapter shall have ninety (90) days from the effective date of this chapter to bring his taxicabs into full compliance. Any franchise holder whose taxicabs were in operation prior to the effective date of this chapter and whose taxicabs are still non-compliant after ninety (90) days from the effective date of this chapter shall immediately remove from operation any non-compliant taxicab or have his franchise revoked. (1981 code, § 5-409, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-409. Annual mechanical safety inspection. Any taxicab required by this chapter to undergo an annual safety inspection shall be inspected for the proper operating condition of the vehicle's brakes; frame; power steering; tires; wheel studs and lug nuts; wheel bearings; rack and pinion steering or gear box steering; u-joints; struts; control arms and bushings; all steering parts including drag link, tie rods, tie rod ends, idler arm, pitman arm and ball joints; constant velocity axles, including joints and boots; headlights; turning lights; windshield wipers; horn; and rear vision mirror. Any system, part or mechanical device that fails inspection shall be repaired or replaced before the taxicab is returned to operation to carry passengers. The city clerk shall provide the franchise

holder with an annual mechanical safety inspection form for each taxicab that is to be completed by the local automotive mechanical shop approved by the City of Springfield or the service shop of the authorized sales and service dealership performing the inspection and signed by the service shop supervisor. The annual mechanical safety inspection form shall be returned to the city clerk fully completed and signed within three (3) days after the inspection, accompanied by receipts from the authorized sales and service dealership evidencing payment for the inspection and the performance of any required repairs or replacements. (1981 code, § 5-410, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-410. 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 or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12,. The insurance policy or bond required by this section shall contain provisions that it shall not be canceled except after at least twenty (20) days written notice is given by the insurer to both the insured and the city clerk. (1981 code, § 5-411, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-411. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality 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 motor vehicle 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 door may be operated by the passenger from the inside of the taxicab without intervention or assistance of the driver. The taxicab shall be equipped with seat belts and child restraint device. All drivers and passengers are required to use seat belts and each cab will have the appropriate child restraint device available for children as required by Tennessee State Law. The motor and all the 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. (1981 code, § 5-412, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-412. Cleanliness of vehicles. All taxicabs operated in the city 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. (1981 code, § 5-413, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)



9-413. Transfer of franchise. No franchise may be sold, assigned, mortgaged or otherwise transferred without the consent of the board of mayor and aldermen, and then only if the board shall be of the opinion that the purchaser or future operator thereof is in all respects qualified under the provisions of this chapter to conduct the business and to render the service for which the franchise was originally issued. (1981 code, § 5-414, as amended by Ord. #091-09, Nov. 1991 and replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-414. Suspension and revocation of franchise. A franchise issued under the provisions of this chapter may be revoked or suspended by the board of mayor and aldermen if the holder thereof has:

(1) (a) Violated any of the provisions of this chapter, ordinances, laws or regulations of the City of Springfield, the United States, or the State of Tennessee or any other state.

(b) Discontinued operations for more than five (5) days.

(2) Prior to any suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the board of mayor and aldermen. (1981 code, § 5-415, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-415. Taxicab driver's permit required. No person shall operate a taxicab upon the streets of Springfield and no person who owns or controls a taxicab shall permit it to be driven unless the driver has then in force a taxicab driver's permit issued by the city clerk. (1981 code, § 5-416, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-416. Qualifications and application for driver's permit. No person shall be issued a taxicab driver permit unless he complies with the following to the satisfaction of the chief of police and city clerk:

(1) Is at least twenty-one (21) years of age and holds a proper driver's license issued by the state of Tennessee;

(2) Is clean in dress and person;

(3) An application for taxicab driver permit shall be filed with the city clerk on forms provided by the city. The application shall be verified under oath and shall contain the following information:

(a) The name, address of current residence, date and location of birth and other personal information as required;

(b) Experience of the applicant in the transportation of passengers;

(c) Education and history of employment;

(4) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application;

(5) Has not been convicted, pled guilty, placed on diversion, probation or parole or pleaded nolo contendere to any felony within the last ten (10) years. If at the time of the application the applicant is charged with any such offenses the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges;

(6) Has not been convicted, plead guilty, or pled nolo contendere to drunk driving, driving under the influence of any intoxicant or drug, hit and run, reckless or careless driving in the last five (5) years, or been involved in three (3) or more moving traffic violations during a period of three (3) years immediately preceding the date of application. If at the time of the application the applicant is charged with any such offenses the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges;

(7) Is familiar with the state and local traffic laws;

(8) Provides a certified copy of driving record from the state motor vehicle department less than thirty (30) days old;

(9) Provides a copy of his/her current Tennessee driver license;

(10) Provides a criminal history from the FBI; or

(11) For the initial application for a taxicab driver permit only, provides a criminal history from the Tennessee Bureau of Investigation (TBI) less than thirty (30) days old and a receipt from the Robertson County Sheriff's Department as proof that the applicant has been fingerprinted in order to make application for an FBI criminal history. However, an initial taxicab driver permit issued with only a submitted criminal history from the TBI shall be deemed temporary and shall only be in effect for a maximum period of one hundred eighty (180) days. A completed FBI criminal history shall be submitted before the expiration of the temporary taxicab driver permit in order to convert the temporary taxicab driver permit to a permanent taxicab driver permit. The date of the issuance of the temporary taxicab driver permit shall then become the anniversary date of the permanent taxicab driver permit. A temporary taxicab driver permit shall not be renewable nor shall a former temporary taxicab permit holder, whose temporary permit expired, be allowed to apply for another temporary permit. An unexpired temporary taxicab driver permit shall be surrendered to the city clerk upon the issuance of a permanent taxicab driver permit. (1981 code, § 5-417, as replaced by Ord. #96-27, § 1, June 1996, Ord. #08-05, July 2008, Ord. #08-28, Dec. 2008, and Ord. # 11-04, June 2011)

9-417. Police investigation of applicant. The police department shall conduct an investigation on each applicant for a taxicab driver's permit and a report of such investigation and a copy of police record of the applicant, if any, shall be attached to the application for the consideration of the city clerk and chief of police. No license shall be issued to any person who is under twenty-one (21) years of age. (1981 code, § 5-418, as replaced by Ord. #96-27, § 1 June 1996, and Ord. #08-05, July 2008)

9-418. Consideration of application and issuance of permit. The city clerk and chief of police shall upon consideration of the application, and the reports and certificates required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city manager to offer evidence why his application should be reconsidered. Upon approval of an application for a temporary or permanent taxicab driver permit the city clerk shall issue a permit to the applicant that shall bear the name, address, color, age and signature of the applicant. A permanent taxi driver permit shall be issued for one (1) year and shall expire on the anniversary date. An updated FBI criminal history record shall be submitted every five (5) years thereafter as a part of the annual permanent taxi driver permit renewal. A TBI criminal history less than thirty (30) days old shall be submitted with the annual permanent taxi driver permit renewal in every year that an FBI criminal history is not required. (1981 code, § 5-420, as replaced by Ord. #96-27, § 1, June 1996, Ord. #08-05, July 2008, and Ord. # 11-04, June 2011)

9-419. Fees. Each application for a new taxicab franchise or renewal of an existing taxicab franchise under the provisions of this chapter shall be accompanied by the applicable minimum business license as required by state law, along with a non-refundable fee in the amount of one hundred dollars (\$100.00). Each application for a temporary taxicab driver permit or renewal of a permanent taxicab driver permit shall be accompanied by a non-refundable application fee of twenty-five dollars (\$25.00). Each application for the annual renewal of a permanent taxicab driver permit shall be filed with the city clerk. The application shall include the non-refundable fee of twenty-five dollars (\$25.00), the required criminal history, and a certified copy of the driving record which is less than thirty (30) days old. There shall be a fee of twenty dollars (\$20.00) charged for the replacement of an unexpired taxicab driver permit that has been lost or damaged. (1981 code, § 5-421, as replaced by Ord. #96-27, § 1, June 1996, Ord. #08-05, July 2008, Ord. #08-28, Dec. 2008, and Ord. # 11-04, June 2011)

9-420. Display of permit. Every driver permitted under this chapter shall post his driver's permit in such a place in his taxicab as to be in full view of all passengers while such driver is operating the taxicab. (1981 code, § 5-422, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-421. Suspension and revocation of permits. The city manager may suspend any driver's permit issued under this chapter for a driver failing or refusing to comply with the provisions hereof, such suspension to last for a period or not more than sixty (60) days. However, there shall be no revocation in any instance without reasonable notice to the person or driver affected and after a reasonable hearing. Also any person who willfully and deliberately violates, or fails to comply with, or procures, aids, or abets in the violation of any

provision of this chapter shall be guilty of a misdemeanor. Every driver permitted under this chapter shall comply with all city, state, and federal laws. (1981 code, § 5-423, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-422. Rules of driver conduct. Taxicab drivers shall adhere to the following rules of conduct:

(1) No person shall drive a taxicab or be hired or permitted to do so unless he is properly licensed by the State of Tennessee.

(2) It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating or alcoholic beverage; to use any profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to unreasonably disturb the peace, quiet, and tranquility of the city in any way.

(3) No taxicab driver shall engage in selling or delivering any intoxicating liquors, alcoholic beverages, illegal drugs or any illegal act, business, or purpose.

(4) Taxicab drivers shall always deliver their passengers to their destination by the most direct available route.

(5) No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger.

(6) No taxicab driver shall refuse or neglect to convey an orderly person, or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

(7) Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk to the extreme right hand side of the street and there receive or discharge passengers, except upon a one-way street, where passengers may be received or discharged at either the right or left sidewalk, or side of the street in the absence of a sidewalk.

(8) Every driver of a taxicab shall have the right to demand payment of the regular fare in advance, and may refuse employment unless so prepaid.

(9) Every taxicab driver, while on duty shall keep a clean and well-groomed appearance and shall be dressed in a neat and professional manner. The following items of clothing are prohibited while operating a taxicab: t-shirts, exposed undergarments, tank tops, swimwear, jogging suits, body suits, cut off pants, sandals, clogs, and other similar attire. Offensive words or symbols on clothing are prohibited.

(10) Taxicab drivers shall not smoke in the vehicle or allow passengers to smoke inside the taxicab.

(11) Taxicab drivers must be able to speak English fluently. (1981 code, § 5-424, modified, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-423. Taxicab service to be comprehensive. Holders of a franchise shall maintain a central place of business for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of Springfield as soon as they can do so and if said services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere in the corporate limits of the City of Springfield at any time when such holder has an available cab shall be deemed a violator of this chapter and the certificate granted to such holder shall be revoked at the discretion of the board of mayor and aldermen. (1981 code, § 5-425, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-424. Accidents. All accidents arising from or in connection with the operation of taxicabs shall be reported in accordance with the requirements of the state motor vehicle code. (1981 code, § 5-426, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-425. Police department duty to enforce chapter. The police department is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report the violation to the city manager who will order or take appropriate action. (1981 code, § 5-427, as replaced by Ord. #96-27, § 1, June 1996, and Ord. #08-05, July 2008)

9-426. Fares and rates. All taxicabs operating under the provisions of this chapter shall charge a basic fee or rate which shall be approved by the board of mayor and aldermen. No changes in these rates shall be made at any time without the approval of the board. When changes are desired by the taxicab owners or operators to be made in the rate schedule, the taxicab owners or operators shall submit to the board a proposed schedule of rates showing the changes desired to be made. (as added by Ord. #08-05, July 2008)

9-427. Violations. Any person, firm or corporation violating any section of this chapter shall be guilty of a misdemeanor and subject to a fine under the general penalty clause for this code. (as added by Ord. #08-05, July 2008)

CHAPTER 5

YARD SALES

SECTION

- 9-501. Definitions.
- 9-502. Property permitted to be sold.
- 9-503. Locations.
- 9-504. Number of garage sales allowed.
- 9-505. Hours of operation.
- 9-506. Display of sale property.
- 9-507. Advertising.
- 9-508. Persons exempted from chapter.
- 9-509. Violations and penalty
- 9-510.--9-512. Deleted.

9-501. 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<sup>1</sup>, for the purpose of disposing of personal property including but not limited to all sales entitled "garage" "lawn" "yard" "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than two (2) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold, such as a personal car or truck for sale, registered to the residential property owner.

(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. (as replaced by Ord. #17-13, Oct 2017)

9-502. 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. (as replaced by Ord. #17-13, Oct 2017)

9-503. Locations. Garage sales shall be held on residential property by the property owner, or with a residential neighborhood/subdivision yard sale.

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<sup>1</sup>Municipal code reference

Zoning ordinance: title 14, chapter 2.

Nonresidential and other off-premise garage sales are not allowed. (as replaced by Ord. #17-13, Oct 2017)

9-504. Number of garage sales allowed. Each residential property owner or residential neighborhood/subdivision shall be allowed to conduct two (2) yard sales each year. (as replaced by Ord. #17-13, Oct 2017)

9-505. Hours of operation. Garage sales shall be limited in time to no more than 8:00 A.M. to 6:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (as replaced by Ord. #17-13, Oct 2017)

9-506. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as replaced by Ord. #17-13, Oct 2017)

9-507. Advertising. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

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

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

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

(3) Removal of signs. Signs must be removed each day at the close of the garage sale activities. (as replaced by Ord. #17-13, Oct 2017)

9-508. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

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

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

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Springfield, 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. (as replaced by Ord. #17-13, Oct 2017)

9-509. Violations and penalty. Complaints regarding exceeding the allowed number of residential garage sales and associated violations shall be investigated by a city codes official, and if found to be in violation, issued a citation as provided by title 6, chapter 3. Nonresidential and off-premise garage sales shall be found in violation of this chapter and issued a citation or summons by a city police officer. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provisions of this municipal code of ordinances. (as replaced by Ord. #17-13, Oct 2017)

9-510.–9-512. Deleted. (as deleted by Ord. #17-13, Oct. 2017)



## CHAPTER 6

ADULT ORIENTED BUSINESS ESTABLISHMENTS

## SECTION

- 9-601. Purpose and intent; findings.
- 9-602. Definitions.
- 9-603. License to operate -- general.
- 9-604. Same application.
- 9-605. Employees and entertainers/performers permits; application.
- 9-606. Investigations of applicants' qualifications.
- 9-607. Qualifications for license to operate, permit.
- 9-608. Inspections; notice of results.
- 9-609. Injunctions.
- 9-610. Revocation, suspension or annulment of licenses.
- 9-611. Termination and renewal of licenses and permits; applications; fees.
- 9-612. Prohibited hours of operation; hours open for inspection.
- 9-613. Duties and responsibilities of operators, entertainers/performers/  
employees.
- 9-614. Prohibited activities.
- 9-615. Exhibition of films, videos or live sex shows in booths, cubicles, rooms  
or stalls.
- 9-616. Display of license.
- 9-617. Adult entertainment appeals board - created.
- 9-618. Same -- membership; terms; compensation.
- 9-619. Same -- vacancy and removal.
- 9-620. Same -- officers and staff.
- 9-621. Same -- meetings.
- 9-622. Same -- powers.
- 9-623. Same -- procedures of hearing.
- 9-624. Penalties for violation.

9-601. Purpose and intent; findings. It is the purpose of this chapter to regulate adult-oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to govern the operation of adult-oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. (As added by Ord. #95-19, § 1, Oct. 1995)

9-602. Definitions. As used in this chapter, unless the context otherwise requires:

"Adult arcade" Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting [and/or] describing of specified sexual activities or specified anatomical areas.

"Adult book store" An establishment having as more than 50% of the face value of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by depicting, describing, or relating to "specified anatomical areas" as defined below.

"Adult motion picture theater" Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas" (as defined below) for observation by patrons therein.

"Adult-oriented establishment" Includes but is not limited to "adult bookstores," "adult motion picture theaters," or "adult cabarets" and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such entertainment is held, conducted, or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import.

"Adult theater or adult cabaret" A theater, concert hall, auditorium, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

- (1) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (2) Films, motion pictures, videocassettes, slides, or other video or photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

"Board" The adult entertainment appeals board.

"City" The City of Springfield.

"Employee" Any person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated as any employee, independent

contractor, agent or otherwise. "Employee" does not include a person exclusively on the premises for repair of the premises or for delivery of goods to the premises.

"Entertainer/performer" Any person who provides entertainment within an adult-oriented establishment, as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided an employee or as an independent contractor.

"Escort" A person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort.

"Escort service" A person as defined herein, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts.

"Open office" An office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints.

"Operator" Any person, partnership, or any other type of organization where two or more persons have a financial interest, joint venture or corporation operating, conducting or maintaining an adult-oriented establishment.

"Specified anatomical areas" means:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernible turgid state, even if completely opaquely covered.

"Specified sexual activities" means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; or

(3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (As added by Ord. #95-19, § 1, Oct. 1995)

9-603. License to operate - general. (1) Except as provided in subsection (5), from and after the effective date of this part,<sup>1</sup> no adult-oriented establishment shall be operated or maintained in the city without first obtaining a license to operate issued by the city clerk.

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<sup>1</sup>These provisions were taken from Ord. #95-19, which passed 3rd reading Oct. 17, 1995.

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

(3) No license or interest in a license may be transferred to any person, partnership or corporation. No person who is ineligible to obtain a license under the chapter shall be eligible to serve as the agent of a license under this section.

(4) No person shall be an entertainer/performer or employee on the premises of an adult-oriented business without first obtaining a valid work permit issued by the city clerk. A work permit, once issued, shall be valid for employment of the employee or entertainer/performer at any adult-oriented business within the city.

(5) It is unlawful for any entertainer/performer, employee or operator to knowingly work in or about or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(6) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within thirty (30) days of the effective date of this chapter. If a license is not applied for within such thirty-day period, then such existing adult-oriented establishment shall cease to operate.

(7) No license shall be issued by the city clerk unless the applicant certifies, by proof satisfactory to the clerk, that the applicant has satisfied the rules, regulations and provisions of the applicable zoning requirements in the city. Any zoning requirement shall be in addition to and an alternative to any requirement of this legislation.

(8) No adult-oriented establishment shall be operated or maintained in the city within fifteen hundred (1,500) feet, measured from property line to property line, of a school, educational facility, church or place of worship, day-care center, nursing home, library, park, cemetery, mortuary or hospital.

(9) The property line of such establishment shall not be located closer than 1,500 feet from the site of any public amusement or entertainment activity, public gathering places, including, but not limited to, any area devoted to public recreation activity, city hall, city parks, arcades, motion picture theaters, bowling alleys, golf courses, miniature golf, playgrounds, ice-skating or roller-skating rinks, or arenas, community centers and similar amusements offered to the general public.

(10) No adult-oriented establishment shall be operated or maintained in the city within two hundred (200) feet, measured from property line to property line, of a boundary of a residential zone.

(11) No adult-oriented business establishment shall be operated or maintained in the city within fifteen hundred (1,500) feet, measured from property line to property line, of another adult-oriented business establishment. (As added by Ord. #95-19, § 1, Oct. 1995)

9-604. Same application. (1) Any person, partnership, or corporation, or any other type of organization where two or more persons have a financial interest, desiring to secure a license shall make application to the city clerk. The city clerk shall establish procedures for the issuance of a license.

(2) The application for a license shall be upon a form provided by the clerk. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of a plus or minus six (6) inches. In addition, the diagram of any adult-oriented business which exhibits, on the premises, in a viewing booth of less than one hundred fifty (150) square feet of floor space, a film, videocassette, or other video reproduction, or which provides private or semiprivate booths or cubicles for viewing live sex shows which depict specified sexual activities or specified anatomical areas must comply with the requirements of section 9-613 of this chapter.

(3) An applicant for a license, including any partner or limited partner of the partnership applicant, and any officer or director of the corporation rate applicant who is also interested directly in the actual operation of the business shall furnish the following information under oath:

(a) Name and address, including any aliases;

(b) Written proof that the individual is at least eighteen (18) years of age;

(c) Whether such applicant has been convicted of or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving obscenity, or any crime involving the sexual exploitation of children;

(d) Whether such applicant has previously violated this chapter within the five (5) years immediately preceding the date of the application;

(e) The address of the adult-oriented establishment to be operated by the applicant.

(4) A license fee of three hundred dollars (\$300.00) shall be submitted with the application for a license. (As added by Ord. #95-19, § 1, Oct. 1995)

9-605. Employees and entertainers/performers permits; application.

(1) Any person desiring to secure a permit shall make application to the city clerk. The city clerk shall establish procedures and criteria for the issuance of a permit. The application shall be filed in triplicate with and dated by the city clerk.

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

- (a) Name and address, including any aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) Whether such applicant has been convicted of or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving obscenity, or any crime involving the sexual exploitation of children;
- (d) Whether such applicant has previously violated this chapter within the five (5) years immediately preceding the date of the application;
- (e) A permit fee of sixty dollars (\$60.00) shall be submitted for a permit. (As added by Ord. #95-19, § 1, Oct. 1995)

9-606. Investigations of applicants' qualifications. (1) No license or permit shall be issued unless the city police department has investigated all applicant's qualifications to be licensed. The results of that investigations shall be filed in writing with the chief of police no later than twenty (20) days after the date of the application. Within ten (10) days, or a reasonable time thereafter, of receiving the results of the investigation conducted by the city police department, the city clerk shall notify the applicant that the 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 investigation, the city clerk shall advise the applicant in writing whether the application is granted or denied.

(2) Whenever an application is denied or held for further investigation, the city clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board, at which time the applicant may present evidence bearing upon the question.

(3) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be ground for denial thereof by the chief of police. (As added by Ord. #95-19, § 1, Oct. 1995)

9-607. Qualifications for license to operate, permit. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age;

(ii) The applicant shall not have been convicted of, or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving the sexual exploitation of children; and

(iii) The applicant shall not have previously violated this chapter within the five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers and directors of the corporation shall be at least eighteen (18) years of age;

(ii) No officer or director shall have been convicted of, or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving obscenity, or any crime involving the sexual exploitation of children; and

(iii) No officer or director shall have previously violated this chapter within the five (5) years immediately preceding the date of the application.

(c) If the applicant is a partnership, joint venture 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 who also have an interest in the actual operation of the business shall be at least eighteen (18) years of age;

(ii) No such person shall have been convicted of, or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving obscenity, or any crime involving the sexual exploitation of children; and

(iii) No such person shall have previously violated this chapter within the five (5) years immediately preceding the date of the application.

(2) To receive a permit, the applicant must meet the following qualifications:

(a) The applicant shall be at least eighteen (18) years of age;

(b) The applicant shall not have been convicted of, or pleaded nolo contendere to, any of the offenses of aggravated rape, rape, aggravated sexual battery, indecent exposure, prostitution, patronizing

prostitution, promoting prostitution, aggravated prostitution, rape of a child, any crime involving the sexual exploitation of children; and

(c) The applicant shall not have previously violated this chapter within the five (5) years immediately preceding the date of the application. (As added by Ord. #95-19, § 1, Oct. 1995)

9-608. Inspections; notice of results. In order to effectuate the provisions of this chapter, the chief of police or his/her authorized representative, as well as the city building and codes department, is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and the premises of an establishment for compliance. Refusal of an operation or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue licenses provided by this part. (As added by Ord. #95-19, § 1, Oct. 1995)

9-609. Injunctions. The chief of police has the power and authority to enter into any court of the State of Tennessee having proper jurisdiction to seek an injunction against any person or adult-oriented establishment not in compliance with the provisions of this chapter, and is further empowered to enter into any such court to enforce the provisions of this chapter in order to ensure compliance with such provisions. (As added by Ord. #95-19, § 1, Oct. 1995)

9-610. Revocation, suspension or annulment of licenses.

(1) The chief of police shall revoke or suspend a license for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application.

(b) The operator or entertainer/performer, or any employee of the operator, violates any provision of this part or any rule or regulation adopted by the chief of police pursuant to this chapter; provided, that in the case of a first offense by an operator where the conduct was solely that of an employee or entertainer/performer, the penalty shall not exceed a license suspension of thirty (30) days if the chief of police 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, entertainer/performer, or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this part is not paid.

(e) An operator employs an entertainer/performer, employee, or independent contractor who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer/performer without a permit.



(f) Any intoxicating liquor or alcoholic beverage is served or consumed on the premises of the adult-oriented establishment.

(g) There exists on the premises a violation of law which threatens the public health or safety; provided, however, that prior to a suspension of any license on this ground, the operator will be given written notice of the condition giving rise to the threat to health or safety and will be given ten (10) days to rectify the situation before the notice of suspension is sent.

(2) The chief of police, before revoking or suspending any license or permit, shall give the holder thereof at least ten (10) days' written notice of the charges against the holder and the opportunity for a public hearing before the board, at which time the holder may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. If the licensee or permittee requests a hearing in writing within ten (10) days, no action shall be taken to revoke or suspend the license or permit until the hearing has been held in accordance with board procedure and the board has rendered a decision.

(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.

(4) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation. (As added by Ord. #95-19, § 1, Oct. 1995)

9-611. Termination and renewal of licenses and permits; applications; fees. (1) Every license and permit issued under this part will terminate at the expiration of one year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator, employee or entertainer/performer desiring to renew a license or permit shall make application to the city clerk. The application for renewal must be filed not later than sixty (60) days before the license or permit expires. The application for renewal shall be filed in triplicate with and dated by the city clerk. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the chief of police, but not less than the information contained in the original application.

(2) Fees.

(a) A license renewal fee of fifty dollars (\$50.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of twenty dollars (\$20.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires.

(b) A permit renewal fee of twenty dollars (\$20.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of ten dollars (\$10.00) shall be assessed against the

applicant who files for a renewal less than thirty (30) days before the license expires.

(3) Whenever a renewal application is denied, the city clerk shall send notice to the applicant by certified mail informing him in writing of the specific reasons for such action. The notice shall inform the applicant of his right to request a hearing before the board within ten (10) days of receipt of the notice of denial. If the applicant requests a hearing in writing within ten (10) days, the applicant's current permit or license shall remain in effect until the board has rendered a decision on the applicant's appeal.

(4) If the city police department is aware of any information bearing on the operator's or employee's or entertainer/performer's qualifications, the information shall be filed in writing with the chief of police not later than ten (10) days after the date of the application renewal. (As added by Ord. #95-19, § 1, Oct. 1995)

9-612. Prohibited hours of operation; hours open for inspection.

(1) No adult-oriented establishment shall be open between the hours of 12:00 a.m. and 8:00 a.m. on weekdays or between the hours of 12:00 a.m. and 12:00 p.m. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the city police department or such other persons as the chief of police may designate. (As added by Ord. #95-19, § 1, Oct. 1995)

9-613. Duties and responsibilities of operators, entertainers/performers/employees. (1) The operator shall maintain a register of all employees and entertainers/performers, showing the name, the aliases used by the individual, home address, birth date, telephone number, date of employment and termination, and duties of each employee. The above information on each employee/entertainer/performer shall be maintained in the register on the premises for a period of three (3) years following termination of working at the establishment.

(2) The operator shall make the employee register available immediately for inspection by the chief of police or city police department upon demand of a member of the chief of police or city police department at all reasonable times.

(3) Every act or omission by an employee/entertainer/performer constituting a violation of the provisions of this part 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 or entertainer/performer'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 cause the omission.

(4) An operator shall be responsible for the conduct of all employees and entertainers/performers while on the licensed premises and any act or

omission of any employee or entertainer/performer constituting a violation of the provisions of this part 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) No operator, employee or entertainer/performer of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as herein defined. (As added by Ord. #95-19, § 1, Oct. 1995)

9-614. Prohibited activities. (1) No operator, entertainer/performer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform, or allow patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer/performer or employee of an adult-oriented establishment shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer/performer or employee of an adult-oriented establishment shall be unclothed or in such attire, costume or clothing so as to commit the offense of public nudity. (As added by Ord. #95-19, § 1, Oct. 1995)

9-615. Exhibition of films, videos or live sex shows in booths, cubicles, rooms or stalls. A person who operates or causes to be operated an adult-oriented business which exhibits on the premises, in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, videocassette, or other video reproduction, or which provides private or semiprivate booths or cubicles for viewing live sex shows, which depict specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) Upon application for an adult-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designate street or object and should be drawn to a designate scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The chief of police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises. Further, it is the duty of the owners and operators of the premises and the employees who are present to ensure that no more than one person occupies a booth, cubicle, viewing room or stall at any time, and that all entrances to booths or other viewing areas (and to the aisles, walkways and hallways leading to booths or other viewing areas) are maintained free of any obstruction such as a door, curtain, panel, board, plat, ribbon, cord, rope, chain or other device.

(3) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(4) It shall be the duty of the owners and operators, and it shall also be the duty of all employees present in the premises, to ensure that the line of sight and view area specified in subsection (3) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.

(6) It shall be the duty of the owners and operators and it shall be the duty of all employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(7) No operator, owner or employee shall allow openings of any kind to exist between viewing rooms or booths, and no person shall make or attempt to make an opening of any kind between booths or rooms. The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(8) The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting, and shall cause all wall surfaces and seating surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable materials. (As added by Ord. #95-19, § 1, Oct. 1995)

9-616. Display of license. 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 OFFICIAL CODE OF THE CITY OF SPRINGFIELD, SECTION 9-601 ET SEQ. EMPLOYEES AND PERFORMERS ARE NOT PERMITTED TO HAVE SEXUAL CONTACT WITH PERSONS ON THE PREMISES. (As added by Ord. #95-19, § 1, Oct. 1995)

9-617. Adult entertainment appeals board -- created. There is created for the city the adult entertainment appeals board, sometimes referred to in this chapter as the "board." (As added by Ord. #95-19, § 1, Oct. 1995)

9-618. Same -- Membership; terms; compensation. The Board shall consist of seven (7) members. Each ward representative shall be appointed to that membership by the alderman for that ward. The mayor shall appoint a member at large who shall be deemed the chairperson. Each term of office shall run concurrent with the elected officials term of office. Members of the board shall serve without compensation. (As added by Ord. #95-19, § 1, Oct. 1995)

9-619. Same -- vacancy and removal. Any vacancy due to any cause shall be filled for the unexpired term in the same manner as the original appointment. Any member of the board may be removed from office for cause by a three-fourths (3/4) vote of the city council after a hearing by the city council. (As added by Ord. #95-19, § 1, Oct. 1995)

9-620. Same -- officers and staff. The board shall elect from its membership a vice chairman, who shall be selected for one-year terms. The chief of police or his duly authorized representative shall serve as the secretary of the board and shall serve as the custodian of its records and minutes. (As added by Ord. #95-19, § 1, Oct. 1995)

9-621. Same -- meetings. Regular sessions of the board shall be held once each month on such date and at such time and place as established by the board, unless no business is scheduled to come before the board, in which case no meeting need be held. The presence of four (4) members shall constitute a quorum, and the concurring vote of at least four (4) members shall be necessary to uphold or overturn a decision of the chief of police. (As added by Ord. #95-19, § 1, Oct. 1995)

9-622. Same -- powers. The board is hereby vested with the power to assist in the regulation of adult-oriented businesses by:

(1) Hearing and deciding appeals from any order, requirement, decision or determination made by the chief of police in carrying out the enforcement of this chapter, whereby it is alleged in writing that the chief of police is in error.

(2) Promulgating such rules and regulations as are necessary for the conduct of its meetings and to carry out its duties, and filing such rules with the city clerk.

(3) Compelling the attendance of witness, the production of books, papers, records, or other documents relevant or material to any matter in question before the board. (As added by Ord. #95-19, § 1, Oct. 1995)

9-623. Same -- procedures of hearings. (1) Upon receiving a written request for a hearing, the board shall send the party requesting the hearing a notice stating the time and place of the hearing and the right to be represented by counsel. All hearings shall be open to the public.

(2) At the hearing of the case, the party requesting the hearing shall appear on his own behalf or be represented by counsel. All witness shall be sworn. The chairman shall allow the appealing party to present witnesses on his behalf and to cross examine all witness testifying against him.

(3) All decisions of the board shall be in writing, setting forth the findings of the board, and shall be signed. Any decision of the board to deny, suspend, or revoke a license or permit shall not take effect earlier than ten (10) days after the date the decision was rendered in order that the party receiving the decision may have adequate time to seek judicial review.

(4) Minutes shall be kept of all proceedings before the board in permanent form, and a record shall be kept of the actions of the board with respect to all hearings.

(5) A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at such party's expense, or may be transcribed by the board at its expense. If the board elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment to the agency of a reasonable compensatory fee. Should a party desire a court reporter to be present at the hearing, he or his representative must arrange for the court reporter's presence.

(6) Any party aggrieved by an action of the board may appeal the board's decision to a court of competent jurisdiction. (As added by Ord. #95-19, § 1, Oct. 1995)

9-624. Penalties for violation. (1) Any person, partnership or corporation, or any other type of organization where two or more persons have a financial interest, who is found to have violated this chapter shall be fined a definite sum not exceeding the maximum fine for the violation of any Springfield municipal ordinance; such violation shall be grounds for the suspension or revocation of any license.

(2) Each violation of this part shall be considered a separate offense, and any violation continuing more than twenty-four (24) hours shall be considered a separate offense for each day of violation. (As added by Ord. #95-19, § 1, Oct. 1995)

TITLE 10

ANIMAL CARE AND CONTROL

SECTION

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.
4. PIT BULLS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Animals prohibited.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Noisy pets prohibited.
- 10-109. Animal waste.

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, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1981 code, § 3-101, as replaced by Ord. #04-23, Nov. 2004, and Ord. #13-23, Jan. 2014)

10-102. Animals prohibited. 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.

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 Springfield Zoning Ordinance. At such time as the property ceases to be used to keep said animals, this section shall be applicable to said property. (as replaced by Ord. #04-23, Nov. 2004, and Ord. #13-23, Jan. 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. (1981 code, § 3-103, and replaced by Ord. #13-23, Jan. 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, and wholesomeness for food if so intended. (1981 code, § 3-104, and replaced by Ord. #13-23, Jan. 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. (1981 code, § 3-105, and replaced by Ord. #13-23, Jan. 2014)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any animal or fowl. (1981 code, § 3-106, and replaced by Ord. #13-23, Jan. 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 care and control officer or by any police officer and 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 a postcard addressed to his last-known mailing address. 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. (1981 code, § 3-107, and replaced by Ord. #13-23, Jan. 2014)

10-108. Noisy pets prohibited. No person shall own, keep or harbor any animal which by loud and frequent barking, whining, howling or other noise, annoys or disturbs the peace and quiet of any neighborhood. (as added by Ord. #13-23, Jan. 2014)

10-109. Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) on public walks and property, recreation areas, or private property belonging to others. Every owner while in the process of walking or riding his animal(s) shall be required to carry on his person a bag or scooping device of adequate size to collect and carry the excreta to be removed so that it can be disposed of in a proper and sanitary manner. This section shall not apply to guide dogs and other service animals. (as added by Ord. #15-20, Nov. 2015)



## CHAPTER 2

### DOGS AND CATS

#### SECTION

10-201. Definitions.

10-202. Vaccinations.

10-203. Dogs not to run at large.

10-204. Impoundment; redemption by owner.

10-205. Disposition of unlicensed or unclaimed dogs/cats.

10-206. Confinement of dogs/cats which have bitten persons, are suspected of rabies, etc.

10-207. Authority to impound dogs/cats.

10-208. Interfering with police officers or health department officials.

10-209. Law enforcement work dogs.

10-210. Destruction of vicious or infected dogs running at large.

10-211. [Deleted.]

10-201. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Owner." Any person having a right of property in a dog or cat, or who keeps, harbors or habitually feeds a dog or cat, or who has it in his care, or acts as its custodian, or who permits a dog or cat to habitually remain on or about any premises occupied by that person.

(2) "Vaccination." The process whereby an animal is immunized against rabies using a vaccine and a technique approved by the board of health.

(3) "City veterinarian." Person employed or hired on a contract basis by the City of Springfield who meets the standards of veterinary medicine for the State of Tennessee. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #96-54, § 1, Feb. 1997, Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-202. Vaccinations. (1) Vaccinations of dogs or cats required. It shall be unlawful for any owner to keep, harbor or permit to remain on or about any premises any dog or cat over six (6) months of age which has not been vaccinated against rabies as required by the board of health. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination, and such certificate shall be kept by the person who owns, keeps, or harbors such dog or cat, subject to the inspection of the animal care and control and police departments.

(2) Standard for vaccine and vaccination. It shall be the duty of the veterinarian, duly licensed by the state board of veterinary medical examiners and approval by the board of health, to administer such a vaccination and to

perform such vaccination in such a manner as meets the standard of the State Board of Veterinary Medical Examiners. (Ord. # 90-16, Dec. 1990, and replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-203. Dogs not to run at large. (1) Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off such premises if it is under the control of a competent person and restrained by a chain, leash, or other restraining device being no greater than fifteen feet (15') in length. A dog, not classified as vicious, that is upon the running board or in the bed of a truck, or is enclosed within the cab of a vehicle shall be considered on the premises of the owner.

(2) Any dog found running at large or any dog or cat found without a proper rabies tag may be seized by the proper authorities of the animal control and police departments. Any owner whose dog is found to be running at large or whose dog or cat has not been vaccinated against rabies shall be guilty of a violation.

(3) When any person is charged with a violation of this section, the animal control officer, or his designated representative, is hereby authorized to issue a citation for such violation. When a citation is issued for the violation of this section, it shall be the duty of the court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #96-54, § 1, Feb. 1997, Ord. #00-01, March 2000, Ord. #08-27, Nov. 2008, Ord. #12-01, April 2012, Ord. #13-23, Jan. 2014, and Ord. #15-21, Nov. 2015)

10-204. Impoundment; redemption by owner. When any dog is found running at large or when any dog or cat is found without a proper rabies tag, it shall be impounded, and the owner, if the dog/cat bears a tag of identification, shall be sent by mail a postcard addressed to the last known mailing address or notified in person, to appear within five (5) days and redeem his dog/cat, and he shall pay the established impoundment fee for each dog/cat so seized and impounded, and the established boarding fee for each day or fraction thereof the dog/cat remains unclaimed. If the dog/cat so seized has not been vaccinated, the owner shall, before he is permitted to regain possession of such dog/cat, have such dog/cat vaccinated and licensed and present the license registration to the animal care and control authority. No impounded dog shall be released without wearing a collar and a leash.

The payment of this fee and the delivery of the dog/cat to the owner shall not relieve the owner from any other penalty for the violation of this chapter. If the owner does not appear after notice has been mailed to him, or if after appearing, declines to pay the fee as set out above and redeem his dog/cat, the dog/cat shall be disposed of in accordance with § 10-205. If the dog/cat

impounded does not have the proper collar and rabies tag, the dog/cat shall be disposed of in three (3) days, in accordance with § 10-205. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #96-54, § 1, Feb. 1998, Ord. #00-01, March 2000, Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-205. Disposition of unlicensed or unclaimed dogs/cats. (1) It shall be the duty of the animal care and control officer to keep all dogs/cats so impounded for the period of three (3) days. Any dog/cat found without a proper rabies tag is not redeemed or claimed at the expiration of three (3) days from the date notice is mailed to the owner, such dog/cat may be disposed of as follows:

(a) Whenever any individual shall apply to the animal control department for permission to adopt any impounded dog/cat remaining unclaimed, the animal care and control department may surrender such dogs/cats to the individual for adoption upon a payment of the established fees set by the board of mayor and aldermen.

All animals adopted from the shelter shall be vaccinated against rabies, and spayed or neutered by a licensed veterinarian. The costs of these services shall be included in the established fees for adoption services. If the dog or cat is not sexually mature at the time of adoption, the new owner shall sign a written agreement with the animal care and control department stating that the new owner shall have the dog or cat spayed or neutered by a licensed veterinarian within thirty (30) days after the dog or cat reaches six (6) months of age.

All animals adopted shall have a collar and leash, either furnished or purchased by the persons adopting the animals, when they leave the animal shelter.

(b) Whenever any dogs/cats remain unclaimed, such dogs/cats may be destroyed in manner to be determined by the animal care and control officer.

(2) Any unidentified dog/cat which the animal care and control officer determines to be suffering from rabies or other infections or dangerous diseases or to be in misery, need not be released, but may be disposed of immediately.

(3) Nothing in this part shall be construed to authorize the animal care and control department to spay or neuter a dog or cat, if such dog or cat is being claimed by and returned to its lawful owner. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #96-54, § 1, Feb. 1997, Ord. #00-01, March 2000, Ord. #00-26, Jan. 2001, Ord. #01-27, Aug. 2001, Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-206. Confinement of dogs/cats which have bitten persons, are suspected of rabies, etc. If any animal 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 care and control officer may cause the animal to be confined or isolated for such time as it is deemed necessary to protect the safety of people

and property. Such confinement or isolation shall be at a place designated by the animal care and control officer or health department. (Ord. #90-16, Dec. 1990, as replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-207. Authority to impound dogs/cats. All police officers and animal care and control officers or other duly authorized persons shall have the right to take up and put into the City of Springfield shelter any dog/cat found in violation of any provision of this chapter. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-208. 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 care and control officer, in the discharge or apparent discharge of his duty in enforcing the provisions of this chapter. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-209. 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. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-210. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer. (as added by Ord. #00-01, March 2000, and replaced by Ord. #08-27, Nov. 2008, and Ord. #13-23, Jan. 2014)

10-211. [Deleted.] (as added by Ord. #00-01, March 2000, and deleted by Ord. #08-27, Nov. 2008)

## 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 (2) feet.

(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. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #00-27, Jan. 2001)

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 of Springfield unless the vicious dog is confined. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #00-27, Jan. 2001)

10-303. Impoundment; proceedings against owner. (1) Impoundment. Any vicious dog, may be taken into custody by the appropriate authorities of the Springfield 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 of Springfield in impounding the dog.

(2) Court proceeding against owner. If any vicious dog is impounded, the appropriate authorities of the Springfield Police Department may institute proceedings in the Springfield 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 Springfield government or a complaining citizen from instituting a proceeding in the Springfield City Court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the Springfield City Court against the owner of a dog for violation of this division, 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. (Ord. # 90-16, Dec. 1990, as replaced by Ord. #00-27, Jan. 2001)

CHAPTER 4

PIT BULLS

SECTION

10-401. Definitions.

10-402. Restrictions.

10-403. Standards and requirements.

10-404. Sale or transfer of ownership prohibited.

10-405. Animals born of registered dogs.

10-406. Rebuttable presumption.

10-407. Failure to comply.

10-408. Violations and penalties.

10-401. Definitions. The word pit bull as used in this chapter shall have the following meanings:

- (1) The bull terrier breed of dog; and
- (2) Staffordshire bull terrier breed of dog; and
- (3) The American pit bull terrier breed of dog; and
- (4) The American Staffordshire terrier breed of dog, all of the above breeds to be identified as described by the American Kennel Club and United Kennel Club; and
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. #11-10, Dec. 2011)

10-402. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Springfield, Tennessee, except as provided in this chapter. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

10-403. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

- (1) Registration. Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city recorder.
- (2) Leash and muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a

person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures. In addition, a muzzling device sufficient to prevent such dog from biting persons or other animals shall muzzle all pit bull dogs on a leash outside the animals' kennel.

(3) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house pit bull dogs shall comply with all zoning and building ordinances and regulations of the City of Springfield and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(4) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(5) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(6) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(7) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter:

- (a) The removal from the city or death of a pit bull dog; or
- (b) The birth of offspring of a pit bull dog; or
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

10-404. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Springfield unless the recipient person registers the pit bull dog with the city recorder at the time of transfer. The owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to



persons who do not reside within the City of Springfield. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

10-405. Animals born of registered dogs. All offspring born of pit bull dogs within the City of Springfield shall be registered with the city recorder within six (6) weeks of the birth of such animal. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

10-406. Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered within the City of Springfield as a pit bull dog or any of those breeds defined by § 10-401 hereof is in fact a dog subject to the requirements of this chapter. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 10-11, Dec. 2011)

10-407. Failure to comply. It shall be unlawful for the owner, keeper, harborer, or possessor of a pit bull dog within the City of Springfield to fail to comply with the provisions of this chapter. Any dog found to be subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Springfield. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

10-408. Violations and penalties Any persons violating or permitting the violation of any provisions of this chapter shall, upon conviction, be subject to the fine prescribed in the general penalty clause of the Springfield Municipal Code. Each day that such violation shall continue constitutes a separate offense. Further, the city court may order the dog removed from the City of Springfield. Should the defendant refuse to remove the dog from the City of Springfield, the city judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this code. (as added by Ord. #00-28, Jan. 2001, and replaced by Ord. # 11-10, Dec. 2011)

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

1. GENERALLY.
2. ENUMERATED.
3. FALSE ALARMS.

CHAPTER 1

GENERALLY

SECTION

- 11-101. Misdemeanors of the state adopted.  
11-102. Possession of weapons at meetings unlawful.

11-101. Misdemeanors of the state adopted. Pursuant to Tennessee Code Annotated, § 16-18-302(a), the municipal court for the City of Springfield possesses jurisdiction in and over cases for violation of the laws and ordinances of the municipality; or arising under the laws and ordinances of the municipality; and the City of Springfield municipal court also possesses jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute if, and only if, the state criminal statute duplicated or cross referenced is a class C misdemeanor. (1981 Code, § 10-101, as replaced Ord. #06-21, Oct. 2006)

11-102.<sup>1</sup> Possession of weapons at meetings unlawful. (1) It shall be unlawful for any individual or employee to possess a weapon at meetings conducted by, or on premises owned, operated, managed or under control of the City or Springfield. Notice of such prohibition shall be posted or otherwise noticed to all affected employees. (Public Chapter No. 943, SECTION 9. TCA Code 39-17-1315)

(2) This prohibition does not apply to any certified law enforcement officer of the State of Tennessee who is charged with the enforcement of the laws of this state.

(3) Any person found to be in violation of this section shall be brought before the city court of the City of Springfield with a fine not to exceed the maximum allowed by state law. (Ord. 094-14, §§ 1--3, Sept. 1994)

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<sup>1</sup>Ord. #094-14 (Sept. 1994) added these provisions as section 11-107. However, since there was only one section in title 11, chapter 1, these provisions were added as section 11-102.

## CHAPTER 2

ENUMERATED

## SECTION

- 11-201. Assault and battery.
- 11-202. Disorderly conduct.
- 11-203. Indecent or improper exposure or dress.
- 11-204. Escape from custody or confinement.
- 11-205. Resisting or interfering with city personnel.
- 11-206. Impersonating a government officer or employee.
- 11-207. Weapons and firearms generally.
- 11-208. Throwing of missiles.
- 11-209. False emergency alarms, reports, etc.
- 11-210. Trespassing on trains.
- 11-211. [Repealed.]
- 11-212. Abandoned refrigerators, etc.
- 11-213. Curfew for minors.
- 11-214. Malicious mischief.
- 11-215. Trespassing.
- 11-216. Posting notices, etc.
- 11-217. Drinking beer, etc., on streets, etc.
- 11-218. Coercing people not to work.
- 11-219. Caves, wells, cisterns, etc.
- 11-220. Interference with traffic.
- 11-221. Anti-noise regulations.
- 11-222. Fortune telling, etc.
- 11-223. Criminal trespass.
- 11-224. Trespass by motor vehicle.

11-201. Assault and battery. An "assault" is an unlawful attempt, coupled with a present ability, to commit a bodily injury on the person of another.

(1) It shall be unlawful to beat, strike, wound, imprison or inflict violence on another where the circumstances show malice.

(2) It shall be unlawful to assault another with intent to commit murder, rape, mayhem, robbery or larceny.

(3) It shall be unlawful to assault another with a lethal or dangerous weapon, instrument or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice. (1981 code, § 10-201)

11-202. Disorderly conduct. It shall be unlawful for any person within the area of the City of Springfield, Tennessee, to violate any of the following subsections of this section:

(1) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health; or

(2) Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or

(3) Any person who shall disturb the peace of others by conduct or "fighting words" calculated to provoke violence or violation of the law.

(4) Any person who shall cause, provoke, or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

(5) Any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices; or

(6) Any person who shall accost or attempt to force his company upon any female or attempt to pick up any female; or

(7) Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates a turmoil; or

(8) Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation; or

(9) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the city police or other lawful authority.

Any person who shall violate any subsection of this section may be charged with the offense of "disorderly conduct," and on conviction thereof, may be found guilty of disorderly conduct. (1981 code, § 10-202)

11-203. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1981 code, § 10-206)

11-204. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1981 code, § 10-209)

11-205. Resisting or interfering with city personnel. 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 municipality while such officer or employee is performing or attempting to perform his municipal duties. (1981 code, § 10-210)

11-206. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1981 code, § 10-211)

11-207. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1981 code, § 10-212)

11-208. Throwing of 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. (1981 code, § 10-214)

11-209. False emergency alarms, reports, etc. 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 an act. It shall also be unlawful for any person knowingly to make to the police department any other false, misleading, or unfounded report, or knowingly to offer any false, misleading, or unfounded information of any type whatsoever, for the purpose of interfering with the operation of the police department or with the intention of misleading any police officer. (1981 code, § 10-217)

11-210. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1981 code, § 10-221)

11-211. [Repealed.] This section was repealed by Ord. #99-11, § 2, May 1999. (1981 code, § 10-222, as repealed by Ord. #99-11, § 2, May 1999)

11-212. 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. (1981 code, § 10-223)

11-213. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to idle, wander, stroll, remain or play on or upon the

public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, eating places, or vacant lots between the hours of 12 midnight and 5:00 A.M. the following day, unless the minor is accompanied by his parent or parents, guardian, or other adult person having the care and custody of the minor, or the minor is returning directly home from a meeting, entertainment, recreational activity, dance, or place of employment. (Ord. # 85-04, Sept. 1985)

11-214. 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. (1981 code, § 10-225)

11-215. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1981 code, § 10-226)

11-216. 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. (1981 code, § 10-227)

11-217. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1981 code, § 10-229)

11-218. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It expressly is not the purpose of this section to prohibit peaceful picketing. (1981 code, § 10-230)

11-219. 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 placing thereon an adequate cover or safeguard. (1981 code, § 10-231)

11-220. 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. (1981 code, § 10-232)

11-221. 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 other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to

begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

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

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

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

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

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



(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city 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. (1981 code, § 10-233)

11-222. 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. (1981 code, § 10-234)

11-223. Criminal trespass. (1) A person commits criminal trespass who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(a) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;

(b) Fencing or other enclosure obviously designed to exclude intruders; or

(c) Posting reasonably likely to come to the attention of intruders.

(2) It is a defense to prosecution under this section that:

(a) The property was open to the public when the person entered and remained;

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the premises upon request.

(3) For purposes of this section, "enter" means intrusion of the entire body. (1981 code, § 10-236, as replaced by Ord. # 094-19, Oct. 1994)

11-224. Trespass by motor vehicle. (1) Any person who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions is guilty of a trespass. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any

authorized agent or representative thereof, including, but not limited to, private security guards hired to patrol the property.

(2) As used in this section, "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motor bike, mo-ped, go-cart, all terrain vehicle, dune buggy, and any other vehicle propelled by motor.

(3) A property owner, lessee or other person having the right to the use or control of property may post signs or other notices upon a parking area, driving area or roadway giving notice of this section and warning that violators will be prosecuted; provided, however, that the posting of signs or notices shall not be a requirement of prosecution under this section and failure to post signs or notices shall not be a defense to prosecution hereunder. (as added by Ord. # 094-19, Oct. 1994)

## CHAPTER 3

FALSE ALARMS<sup>1</sup>

## SECTION

- 11-301. Definitions.
- 11-302. Classification of alarm systems.
- 11-303. Nonconforming systems.
- 11-304. Class I alarm system.
- 11-305. Class II alarm system.
- 11-306. Class III alarm system.
- 11-307. Alarm system requirements, generally.
- 11-308. Permits required.
- 11-309. Permit application.
- 11-310. Issuance of permit and decal.
- 11-311. Permit fees.
- 11-312. Term of permit and renewal.
- 11-313. Inspection of alarm systems.
- 11-314. Current information required.
- 11-315. False alarm fees.
- 11-316. Appeals.
- 11-317. Fee assessment.
- 11-318. Notices.
- 11-319. Penalty.

11-301. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Alarm system." A device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony or criminal conduct requiring urgent attention and fire alarms to which the police department and/or fire department are expected to respond, but does not include alarms installed in conveyances.

(2) "Alarm user." The person, firm, partnership association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is maintained.

(3) "Annunciator." That part of an alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.

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<sup>1</sup>These provisions were taken from Ord. #095-20. Section 5 of Ord. #095-20 provides "That this ordinance shall take effect February 1, 1996 after its passage upon third and final reading, the public welfare and the welfare of the city requiring it." This ordinance passed third and final reading November 21, 1995.

(4) "Audible annunciator." An annunciator which gives alarm by means of a bell, siren, buzzer or similar sound producing device mounted at some location other than wholly within a building; or which, when activated, is clearly audible at a distance of fifty feet or more outside of any building in which it is mounted.

(5) "Automatic dialer." A device which is programmed to select a telephone number and deliver a warning message or signal over standard telephone lines using telephone voice communication equipment.

(6) "Chief." The chief of police of the City of Springfield or a police officer under his jurisdiction designated by him to exercise any power or duty conferred under this chapter.

(7) "Department." The City of Springfield Police Department.

(8) "Springfield Police Department telephone line." A telephone line which rings or terminates on the premises of the Springfield Police Department.

(9) "False alarm." Any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

(a) Criminal activity or unauthorized entry,

(b) Alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions,

(c) Fire causing structural damage to the protected premises verified by the fire department,

(d) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven days of the occurrence.

If the alarm when communicated to the department before an officer is dispatched to investigate is clearly identified to the department as resulting from authorized entry, authorized system test or other non-criminal cause, it shall not be considered as a false alarm. If police units responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police department computer system shall be prima facie evidence of the facts stated therein with regard to alarms and responses.

(10) "On-premise annunciator." An annunciator which is designed to give warning only to a person or persons on the protected premises, and which is neither an "audible" or "remote" annunciator as those terms are defined in this section.

(11) "Hearing officer." An employee of the City of Springfield designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of the herein chapter.

(12) "Protected premises." All of that contiguous area, including buildings, protected by a single alarm system and under common ownership and use.

(13) "Remote annunciator." An annunciator located at a terminal not a part of the protected premises.

(14) "Sensor." That part of an alarm system which is designated to detect the happenings of some event or existence of some condition indicative of criminal activity or unauthorized entry.

(15) "Visual annunciator." An annunciator installed entirely on the protected premises and which gives inaudible warning by means of a flashing light or other visible signal.

(16) "Calendar year." January 1 through December 31. (As added by Ord. #095-20, § 1, Nov. 1995)

11-302. Classification of alarm systems. (1) A Class I Alarm System is one which incorporates a remote annunciator installed at a place other than on the premises of the city, which does not incorporate an automatic dialer.

(2) A Class II Alarm System is one which incorporates an automatic dialer not programmed to select Springfield Police Department telephone line.

(3) A Class III Alarm System is one which the only annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer.

(4) Exempt alarm systems are: (a) those which incorporate only an on-premises annunciator, a visual annunciator, or any combination thereof, (b) alarm systems owned, maintained and monitored by any government law enforcement agency to protect their premises, and (c) alarm systems protecting property of the City of Springfield. (As added by Ord. #095-20, § 1, Nov. 1995)

11-303. Non conforming systems. (1) It shall be unlawful for any person, natural or corporate, to sell, offer to sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the City of Springfield Police Department.

No automatic telephone dialer shall be programmed to dial any telephone number of the Springfield Police Department.

(2) It shall be unlawful for any person, natural or corporate, to sell, offer to sell, install, maintain, lease or operate or assist in the operation of an alarm system which terminates at the Springfield Police Department through an annunciator panel. (As added by Ord. #095-20, § 1, Nov. 1995)

11-304. Class I alarm system. (1) Any person reporting to the police on any alarm from a Class I Alarm System shall give the following information:

(a) The alarm system permit number, and principal of business name;

(b) The type of premises (warehouse, residence, etc.) and the name, if any, by which the premises are known;

(c) The address of the protected premises, which shall be repeated a second time at the end of the message;

(d) The name and telephone number of some responsible person having access to the protected premises; and

(e) The type of criminal activity indicated, e.g., burglary in progress, robbery, etc.

(2) If the Class I Alarm System incorporates an audible annunciator, it shall be subject to the requirements specified in section 11-306. (As added by Ord. #095-20, § 1, Nov. 1995)

11-305. Class II alarm system. (1) Any person reporting to the police on any alarm from a Class II Alarm System shall give the information specified in section 11-304.

(2) No Class II Alarm System shall be programmed to select any telephone line the user of which has not previously given consent to such programming.

(3) If the Class II Alarm System incorporates an audible annunciator, it shall be subject to the requirements specified in section 11-306. (As added by Ord. #095-20, § 1, Nov. 1995)

11-306. Class III alarm system. (1) Each Class III Alarm System shall be so programmed that each audible annunciator will automatically silence within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(2) No test of a Class III Alarm System shall be so conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

(3) The chief of police may, by written notice, require the posting of the information required by subsection (1) of section 11-304. (As added by Ord. #095-20, § 1, Nov. 1995)

11-307. Alarm system requirements, generally. (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code, or of any applicable statute, law or administrative regulation of the United States of America, the State of Tennessee, or any administrative rulemaking body thereof.

(2) The alarm user shall be responsible for training and re-training all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system, and for the repair or replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.

(4) All alarm systems shall have a back-up power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company.

(5) The application for a Class I, Class II and Class III Alarm System Permit shall list the name and phone number of at least one (1) responsible

person (other than the principal or a member of his household) having access to the premises who may be notified and assist the police in the event the alarm is activated. The principal shall immediately notify the Springfield Police Department of any changes in this information. (As added by Ord. #095-20, § 1, Nov. 1995)

11-308. Permits required. (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit therefor.

(2) City police may refuse to respond to an alarm from a system without a permit.

(3) No permit shall be required for an exempt alarm system as defined in section 11-302 and the provisions of this chapter shall not apply to such systems.

(4) Violation of this provision shall be an infraction. Each day during which the violation is maintained or continued shall be deemed a separate infraction.

(5) In the event police investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(6) If an alarm user has one or more alarm systems protecting two or more structures having different addresses, a separate permit will be required for each structure. (As added by Ord. #095-20, § 1, Nov. 1995)

11-309. Permit application. Each application for an alarm system permit shall be made on a form prescribed by the chief of police and shall contain the following information:

(1) The name, address and telephone number of the principal of the protected premises.

(2) The type of premises (home, office, variety store, etc.) and any business name by which the premises is known.

(3) The address of the protected premises; including, if it is in a residential, commercial or industrial complex (office building, apartment house, shopping center, etc.) any name by which the complex is commonly known.

(4) The names, addresses and telephone numbers, including home phone numbers, of all agents.

(5) The number and type of annunciators and automatic dialers which the alarm system incorporates, the location of all remote annunciators, and the names and phone numbers of all persons or businesses which are or may be preselected for automatic dialer contact.

(6) Each application shall list an emergency telephone number of the alarm user or his representative to permit prompt notification of alarm calls and facilities assisting the police in the inspection of the property. Changes in emergency telephone numbers shall be kept current, and failure to provide updated information may constitute grounds for revocation of the permit.

(7) The application shall be accompanied by the fee prescribed under section 11-311. (As added by Ord. #095-20, § 1, Nov. 1995)

11-310. Issuance of permit and decal. (1) Upon receipt by the Springfield Police Department of the permit application and fee, the chief shall undertake whatever investigation he deems necessary. If it appears to the chief that the proposed system will comply with the provisions of this chapter, he shall so notify his designee who shall issue to the applicant a permit bearing an identifying number specifying the class of alarm system for which it is issued and setting forth the expiration date of the permit. The city shall not, by the issuance of any alarm system permit, be obligated to respond or accord any priority to an alarm from such system.

(2) A decal with the alarm user's permit number will be issued with the alarm permit. This decal must be permanently posted on or near the front entrance to the premises so that the information provided on the decal is visible from the outside of the structure. (As added by Ord. #095-20, § 1, Nov. 1995)

11-311. Permit fees. The fees for alarm system permits and renewals shall be as follows:

- Class I       \$ 25.00 - Bi-Annually
- Class II      \$ 25.00 - Bi-Annually
- Class III     \$ 10.00 - One time only (As added by Ord. #095-20, § 1, Nov. 1995)

11-312. Term of permit and renewal. (1) Class I and Class II Alarm System Permits shall expire on December 31 of the second calendar year following the year of issue.

(2) Class III Alarm System Permits have no expiration date and shall be valid until terminated or suspended.

(3) An alarm system permit of any class shall automatically terminate upon any change of principal, class of system or protected premises. No permit may be transferred to another principal, different class of system or protected premises. No refunds will be given on termination or suspension of any permit for any reason.



(4) Renewal permits shall be dated January 1. The renewal permit will not be issued until the fee is paid and a late charge of \$5.00 per month will be assessed on all permit holders who do not pay the renewal fee prior to expiration of their existing permits. The renewal application shall contain the principal's signed statement that there have been no changes in principal, protected premises or class of alarm systems. (As added by Ord. #095-20, § 1, Nov. 1995)

11-313. Inspection of alarm systems. Prior to issuing an alarm system permit, and at any time thereafter during the term thereof, the chief of police may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformance with the provisions of this chapter. (As added by Ord. #095-20, § 1, Nov. 1995)

11-314. Current information required. Within ten days following any change of circumstances which renders obsolete any of the information submitted pursuant to section 11-309, the alarm user shall file an amendment to his application setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit as provided in section 11-312. Failure to comply with this section shall constitute grounds for revocation of the permit. (As added by Ord. #095-20, § 1, Nov. 1995)

11-315. False alarm fees. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police officer at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user, at the address of the said alarm system installation location, advising alarm user of the false alarm.

(3) The chief of police shall have the right to inspect any alarm system on the premises to which a response has been made and he may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter. (As added by Ord. #095-20, § 1, Nov. 1995)

11-316. Appeals. (1) A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm

system in question activated a false alarm, as determined by a police officer at the scene of such activated alarm.

(2) Upon receipt of any false alarm report from the city, the alarm user shall have ten days, orally or in writing, to request a hearing before the said hearing officer.

(3) At the hearing, which must be scheduled and concluded within 15 days from the date the request for same is received, the alarm user shall have the right to present evidence and testimony.

(4) The hearing officer shall make written findings available to the alarm user and the chief of police within ten days from the date the hearing is concluded.

(5) A decision by the chief of police to uphold or to cancel the false alarm report which is the subject of the herein section must be made within ten days from the receipt of the above findings by the chief of police.

(6) Until all of the steps set forth in this section 11-316 have been completed, the false alarm in question will be considered to have been genuine and will not be considered the basis for the prima facie presumption that the involved alarm system is malfunctioning. (As added by Ord. #095-20, § 1, Nov. 1995)

11-317. Fee assessment. (1) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a \$25.00 service charge per false alarm occurrence after the third such false alarm in any calendar year. Each service charge incurred shall be billed and payment shall be made within thirty (30) days from the date of receipt thereof. Failure to make payment within thirty (30) days of receipt of the bill shall result in the user's permit being revoked.

(2) Any permit revoked shall not be reinstated until all outstanding false alarm service charges are paid in full together with a \$50.00 reinstatement fee. There shall be no refund of any unused portion of a permit fee. (As added by Ord. #095-20, § 1, Nov. 1995)

11-318. Notices. (1) Notice or billing from the city to any permit holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. Mail, first class postage, prepaid, addressed to the permit holder at the address shown in the city's permit records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts stated therein with respect to such notice.

(2) Notice to the city or payment under this chapter shall be effective when received at the appropriate city office. (As added by Ord. #095-20, § 1, Nov. 1995)

11-319. Penalty. Any person who shall violate or fail to comply with any provision of this chapter shall be fined a definite sum not exceeding the

maximum fine for the violation of any Springfield Municipal Ordinance. Each day during which violation is maintained or continued shall be deemed a separate offense. (As added by Ord. #095-20, § 1, Nov. 1995)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODES.
2. PLUMBING CODE.
3. [DELETED.]
4. MECHANICAL CODE.
5. [DELETED.]
6. FAIR HOUSING ORDINANCE.
7. PROPERTY MAINTENANCE CODE.
8. [DELETED.]
9. SLUM CLEARANCE.
10. RESIDENTIAL RENTAL REGULATIONS.
11. BUILDING, UTILITY, ETC. CODES.
12. ENERGY CONSERVATION CODE.

CHAPTER 1<sup>1</sup>

BUILDING CODES

SECTION

- 12-101. Building code adopted.
- 12-102. Residential building code adopted.
- 12-103. Modifications to the building code.
- 12-104. Modifications to the residential building code.
- 12-105. Available in recorder's office.
- 12-106. Discontinuance of utilities.
- 12-107. Paved driveways required.
- 12-108. Paved driveways required for certificate of occupancy.

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

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<sup>1</sup>Municipal code reference

Fire code: title 7.

Gas code: title 19.

International Building Code,<sup>1</sup> 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the building code. (Ord. #88-14, Nov. 1988, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, and Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-102. Residential building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every one- and two-family residential building or structure, the International Residential Code for One- and Two-Family Dwellings, 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the residential building code. (1981 Code, § 4-102, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-103. Modifications to the building code. The International Building Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "building official" is referred to in this code, it shall, for the purposes of the building code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Sidewalks and driveway construction, when in the public right-of-way and/or adjoining a public street, shall be approved by the director of public works and/or city engineer in a written statement to the building official prior to the issuance of a certificate of occupancy.

(3) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(4) Section 113 entitled "Board of Appeals" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(5) Subsection 114.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection 114.4 to read as follows:

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

114.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (1981 Code, § 4-103, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-104. Modifications to the residential building code. The International Residential Code for One- and Two-Family Dwellings, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "building official" is referred to in this code, it shall, for the purposes of the residential building code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the residential building code.

(2) Sidewalk and driveway construction, when in the public right-of-way and/or adjoining a public street, shall be approved by the director of public works and/or city engineer in a written statement to the building official prior to the issuance of a certificate of occupancy.

(3) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(4) Section R112, entitled "Board of Appeals" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(5) Subsection R 113.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection R113.4 to read as follows: R113.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.

(6) Chapter 1 entitled "Scope and Administration" is amended by amending section R102 entitled "Applicability" by amending subsection R102.6 entitled "Partial invalidity" by adding a new subsection R102.6.1 entitled "Automatic sprinkler systems" to read as follows: R102.6.1 Automatic fire

sprinkler systems. Any provisions contained within this code relating to automatic fire sprinkler systems shall not be construed to be mandatory unless specifically adopted in accordance with the provisions contained in Tennessee Code Annotated title 68, section 120, part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein.

(7) Table R301.2(1) is amended by adding the following Design Criteria in the appropriate fields: Ground Snow Load -- 15#, Wind -- 90 mph 3 sec gust, Seismic Design Category -- C, Weathering -- Severe Frost Line Depth -- 12 in., Termite -- Moderate to Heavy, Winter Design Temp -- 14 deg. F, Ice Shield Underlayment Required -- No, Flood Hazard -- See FEMA/DFIRM FloodMap, Air Freezing Index -- 332, Mean Annual Temperature -- 59.2 deg. F.

(8) Chapter 11 entitled "Energy Efficiency" is amended by deleting subsections N1101.1 to N1 105.6.3 in their entirety and substituting a new subsection N1101.1 entitled "Scope" to read as follows: N1101.1 Scope. The provisions of the 2009 International Energy Conservation Code shall regulate the energy efficiency for the design and construction of buildings regulated by this code.

(9) Appendix L entitled "Permit Fees" is deleted in its entirety.

(10) Section R313.1 regarding Automatic Sprinkler systems in Townhouses, replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a 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."

(11) Delete Section R313.2 Automatic Sprinkler systems in 1&2 Family Dwellings. (1981 Code, § 4-104, as replaced by Ord. #96-01, Feb. 1996, Ord. #01-02, March 2001, Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, Ord. #14-14, Oct. 2014, and Ord. #17-06, July 2017)

12-105. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54- 502, one (1) copy of the building code and one (1) copy of the residential building code have been filed with the city recorder and are available for public use and inspection. Said building code and residential building code are adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as replaced by Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-106. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the

violations. (as replaced by Ord. #03-12, Aug. 2003, Ord. #04-16, Nov. 2004, Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-107. Paved driveways required. All new single-family, two-family or multifamily residential structures shall have paved driveways, turn-arounds and parking areas constructed of concrete or hot mix asphalt. Each unit shall have either a dedicated parking area for a minimum of two (2) vehicles, with a minimum parking area dimension of three hundred sixty (360) square feet and a minimum width of eight feet (8'), that is located in the side-yard; or a one (1) vehicle garage or carport; or a garage that will accommodate two (2) or more vehicles. Residential structures with a one (1) vehicle garage or carport shall have a total minimum paved parking area, both under roof and open driveway, of three hundred sixty (360) square feet. The width of a driveway apron shall extend no more than six feet (6') in front of the house or residential structure. Residential structures sitting a distance of one hundred fifty feet (150') or more from the edge of the street shall be paved from the edge of the street for a distance of at least one hundred (100) linear feet. Circular, semi-circular, or similarly designed driveways shall only be allowed for single-family residential structures that, in addition, have garages that will accommodate a minimum of two (2) vehicles. The parking of vehicles in front of any new single-family, two-family, or multi-family residential structure shall not be allowed in the area between the house or residential section of the structure and the street, unless authorized by this section or the planning commission in subdivision or site plan approval. (as added by Ord. #06-22, Dec. 2006, and replaced by Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)

12-108. Paved driveways required for certificate of occupancy. A certificate of occupancy for any new single-family, two-family or multi-family residential structure shall not be issued until a paved driveway in compliance with this chapter has been constructed. (as added by Ord. #06-22, Dec. 2006, and replaced by Ord. #08-01, March 2008, and Ord. #14-14, Oct. 2014)



CHAPTER 2

PLUMBING CODE<sup>1</sup>

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Conditions of service manual.
- 12-205. Discontinuance of utilities.

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 securing the beneficial interests and purposes of public safety, health and general welfare through the regulation of the installation and maintenance of all plumbing systems, which may be referred to as service systems, the International Plumbing Code,<sup>2</sup> 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, with the exception of Appendix A, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the plumbing code. (1981 code, § 4-201, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-202. Modifications. The International Plumbing Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

- (1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the plumbing code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the plumbing code.
- (2) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.
- (3) Section 109 entitled "Means of Appeal" is rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.
- (4) Subsection 108.4 entitled "Violation penalties" is rescinded in its entirety and shall be substituted by a new Subsection 108.4 to read as follows:

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<sup>1</sup>Municipal code reference  
Water and Sewer: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (1981 code, § 4-203, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-203. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been filed with the city recorder and is available for public use and inspection. Said plumbing code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Water/Wastewater System. (1981 code, § 4-203, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-204. Conditions of service manual. In the event of a conflict between the provisions of the plumbing code and the requirements set forth in the City of Springfield Conditions of Service Manual, the Conditions of Service Manual shall control. (1981 code, § 4-204, as replaced by Ord. #96-02, March 1996, Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

12-205. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the violations. (as added by Ord. #96-02, March 1996, and replaced by Ord. #06-32, Jan. 2007, Ord. #09-01, April 2009, and Ord. #14-15, Oct. 2014)

CHAPTER 3

[as deleted by Ord. #07-07, May 2007]

CHAPTER 4

MECHANICAL CODE

SECTION

- 12-401. Mechanical code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Discontinuance of utilities.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the beneficial interests and purposes of public safety, health and general welfare through the regulation of the installation and maintenance of all mechanical systems, which may be referred to as service systems, the International Mechanical Code,<sup>1</sup> 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, with the exception of Appendix B, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the mechanical code. (Ord. #88-14, Nov. 1988, as replaced by Ord. #96-04, Feb. 1996, Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-402. Modifications. The International Mechanical Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the mechanical code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the mechanical code.

(2) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(3) Section 109 entitled "Means of Appeal" is rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(4) Subsection 108.4 entitled "Violation penalties" is rescinded in its entirety and shall be substituted by a new subsection 108.4 to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-403. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54- 502, one (1) copy of the mechanical code has been filed with the city recorder and is available for public use and inspection. Said mechanical code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Gas System. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, and Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

12-404. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the violations. (as added by Ord. #96-04, Feb. 1996, and replaced by Ord. #01-03, March 2001, Ord. #06-33, Jan. 2007, Ord. #09-03, April 2009, and Ord. #14-16, Oct. 2014)

CHAPTER 5

[as deleted by Ord. #07-07, May 2007]

CHAPTER 6

FAIR HOUSING ORDINANCE

SECTION

- 12-601. Definitions.
- 12-602. Purposes of law, construction, effect.
- 12-603. Unlawful housing practices.
- 12-604. Blockbusting.
- 12-605. Exemptions from housing provisions.
- 12-606. Provisions for enforcement.
- 12-607. Agency no defense in proceeding against real estate dealer.
- 12-608. Establishment of procedures for conciliation.
- 12-609. Findings of hearing committee; nature of affirmative action.
- 12-610. Investigations, powers, records.
- 12-611. Conspiracy to violate this ordinance unlawful.
- 12-612. When effective; lapse.

12-601. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing committee" means the Planning Commission of the City of Springfield, Tennessee. Said committee shall hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitations, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin or sex, or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1981 code, § 4-801)

12-602. Purposes of law, construction, effect. (1) The general purposes of this ordinance are:

(a) To provide for execution, within the City of Springfield of the policies embodied in Title VIII of Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the ordinance shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin or sex. (1981 code, § 4-802)

12-603. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:



(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin or sex.

(2) To discriminate against an individual because of his or her race, color, religion, national origin or sex in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishing of facilities or services in connection therewith.

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin or sex.

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin or sex.

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin or sex.

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin or sex or an intent to make such a limitation, specification, or discrimination.

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex.

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin or sex. (1981 code, § 4-803)

12-604. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located.

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1981 code, § 4-804)

12-605. Exemptions from housing provisions. (1) Nothing in section 12-603 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations.

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family reside therein.

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1981 code, § 4-805)

12-606. Provisions for enforcement. (1) The violation of any of the provisions of this ordinance shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1,000.00.

(2) The city may sue in a civil act through the general court of justice for appropriate remedies to enforce the provisions of this ordinance, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this ordinance, a violation of this ordinance shall constitute a misdemeanor punishable as provided by law. (1981 code, § 4-806)

12-607. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this ordinance by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1981 code, § 4-807)

12-608. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this ordinance. Conciliation efforts

may be initiated by any person(s) said to be subject to discrimination as defined in this ordinance.

(2) The Board of Mayor and Aldermen of the City of Springfield shall establish a hearing committee which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the committee shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing committee proceedings. A hearing open to the public may be initiated by the responding party at any time during the conciliation process. (1981 code, § 4-808)

12-609. Findings of hearing committee; nature of affirmative action.

(1) If the hearing committee determines that the respondent has not engaged in an unlawful practice, the committee shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the committee deems proper.

(2) If the hearing committee determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the committee deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.

(b) Reporting as to the manner of compliance.

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing committee.

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this ordinance. (1981 code, § 4-809)

12-610. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this ordinance, the enforcing agent(s)

at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this ordinance shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing committee for an exemption from the application of the regulation or order. If the committee finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1981 code, § 4-810)

12-611. Conspiracy to violate this ordinance unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this ordinance, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this ordinance.

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this ordinance or any order issued thereunder.

(3) To obstruct or prevent a person from complying with the provisions of this ordinance or any order issued thereunder.

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing committee, or any of its members or representatives in the lawful performance of duty under this ordinance. (1981 code, § 4-811)

12-612. When effective; lapse. This ordinance shall be effective 30 days after its passage;<sup>1</sup> provided, that it shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this ordinance, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Springfield, in accordance with federal law and regulations. (1981 code, § 4-812)

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<sup>1</sup>Date of passage: January 28, 1978.

## CHAPTER 7

PROPERTY MAINTENANCE CODE

## SECTION

12-701. Property maintenance code adopted.

12-702. Modifications to the property maintenance code.

12-703. Available in recorder's office.

12-704. Discontinuance of utilities.

12-701. Property maintenance 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 occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefore; the International Property Maintenance Code,<sup>1</sup> 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as part of the Springfield Municipal Code, and is hereinafter referred to as the property maintenance code. (Ord. #88-14, Nov. 1998, as replaced by Ord. #96-06, Feb. 1996, Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-702. Modifications to the property maintenance code. The International Property Maintenance Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the property maintenance code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the property maintenance code.

(2) Subsection 102.3, entitled "Application of other codes" is amended by deleting "ICC Electric Code" and substituting "National Electric Code" and deleting the last sentence.

(3) Section 111, entitled "Means of Appeal" shall be rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(4) Subsection 106.4, entitled "Violation penalties" shall be rescinded in its entirety and shall be substituted by a new Subsection 106.4 to read as follows:

106.4. Violations and penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be subject to a penalty of fifty dollars (\$50.00). Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. In addition to the penalties prescribed herein, such person shall be subject to the penalties set forth in chapter 9, title 12 of the Springfield Municipal Code.

(5) Subsection 201.3, entitled "Terms defined in other codes" is amended by deleting "ICC Electric Code" and substituting in lieu thereof "National Electric Code."

(6) Subsection 302.1, entitled "Sanitation" is amended by adding to the end of the paragraph the sentence: "Furniture intended for indoor use shall not be placed in yards or porches."

(7) Subsection 302.8, entitled "Motor vehicles" is amended by adding to the end of the paragraph the sentence: "Parking of vehicles over sidewalks, on the path of a sidewalk, or on lawns shall be prohibited."

(8) Subsection 304.14, entitled "Insect screens" is amended by inserting the words "April 1 to October 1" in lieu of "[DATE] to [DATE]."

(9) Subsection 502.4, entitled "Employees' facilities" is amended by deleting the words "and one drinking facility."

(10) Subsection 502.4.1, entitled "Drinking facilities" is rescinded in its entirety. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-703. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code shall be filed with the city recorder and is available for public use and inspection. Said property maintenance code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

12-704. Discontinuance of utilities. In addition to other penalties, the code official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the

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violations. (as added by Ord. #96-06, Feb. 1996, and replaced by Ord. #04-17, Nov. 2004, Ord. #08-02, March 2008, and Ord. #14-17, Oct. 2014)

CHAPTER 8

[as deleted by Ord. #07-07, May 2007]



CHAPTER 9

SLUM CLEARANCE

SECTION

- 12-901. Findings of board.
- 12-902. Definitions.
- 12-903. "Public officer" designated; powers.
- 12-904. Initiation of proceedings; hearings.
- 12-905. Orders to owners of unfit structures.
- 12-906. When public officer may repair, etc.
- 12-907. When public officer may remove or demolish.
- 12-908. Lien for expenses; sale of salvaged materials; other powers not limited.
- 12-909. Basis for finding of unfitness.
- 12-910. Service of complaints or orders.
- 12-911. Appeals.
- 12-912. Enjoining enforcement of orders.
- 12-913. Additional powers of public officer.
- 12-914. Powers conferred are supplemental.
- 12-915. Structures unfit for human habitation or use deemed unlawful.

12-901. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-1010 et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #04-21, Nov. 2004)

12-902. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

(3) "Municipality" shall mean the City of Springfield, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trace of the general public is solicited.

(7) "Public authority" shall mean any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #04-21, Nov. 2004)

12-903. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the codes administrator, or his designee of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (as added by Ord. #04-21, Nov. 2004)

12-904. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public official (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in the courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #04-21, Nov. 2004)

12-905. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order;

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit

for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #04-21, Nov. 2004)

12-906. When public officers may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or the be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation is prohibited and unlawful." (as added by Ord. #04-21, Nov. 2004)

12-907. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #04-21, Nov. 2004)

12-908. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Robertson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the city may collect the costs assessed against the owner through an action for debt filed in any competent jurisdiction. The city may bring one (1) action for debt against more than one or all of the owners of the properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of the parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited

in the Chancery Court of Robertson County, Tennessee by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Springfield to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #04-21, Nov. 2004)

12-909. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Springfield. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazard of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #04-21, Nov. 2004)

12-910. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #04-21, Nov. 2004)

12-911. Appeals. Owners and parties in interest of structures affected by an order issued by the public officer pursuant to this chapter may appeal a decision of the public officer as provided in title 2, chapter 8 of the Springfield Municipal Code. (as added by Ord. #04-21, Nov. 2004)

12-912. Enjoining enforcement of orders. Any person affected by an order issued by the public officer, or, if appealed, the decision of the construction board of adjustments and appeals or board of mayor and aldermen, served pursuant to this chapter may file a complaint in chancery court for an injunction restraining the public official from carrying out the provisions of the order, and the court may, upon the filing of such a suit, issue a temporary injunction

restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, or, if appealed, the date of entry of the decision of the construction board of adjustments and appeals or board of mayor and aldermen in the minutes of the applicable body, such person shall file such complaint in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #04-21, Nov. 2004)

12-913. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

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

(3) To enter upon premises for the purpose of making examination, provide that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #04-21, Nov. 2004)

12-914. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #04-21, Nov. 2004)

12-915. Structures unfit for human habitation or use deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #04-21, Nov. 2004)

## CHAPTER 10

RESIDENTIAL RENTAL REGULATIONS

## SECTION

- 12-1001. Registration required.
- 12-1002. Registration application.
- 12-1003. Inspection required.
- 12-1004. Property maintenance.
- 12-1005. Frequency of inspection.
- 12-1006. Registration certificate required.
- 12-1007. Certificate registration date.
- 12-1008. Certificate transferability.
- 12-1009. Request for additional inspections.
- 12-1010. Exemptions.
- 12-1011. Records.
- 12-1012. Other actions, prosecutions, court cases.
- 12-1013. Nuisances, injunction.
- 12-1014. Penalties.
- 12-1015. Saving clause.
- 12-1016. Severability.

12-1001. Registration required. All owners of residential rental property within the city shall register each rental unit owned or operated within the city. An owner of residential rental property shall file a registration application with the community development department within thirty (30) days after assuming ownership or control of the property, or after altering the number or size of rental units at a previously registered property. All owners of residential rental property at the time of the incorporation by ordinance of this chapter within the Springfield Municipal Code shall file a registration application for their property within sixty (60) days after the effective date of said ordinance. The owner shall be responsible for all sub-leasing of his residential property. (as added by Ord. #05-23, Dec. 2005)

12-1002. Registration application. Registration shall be made upon forms furnished by the community development department and shall specifically require the following minimum information:

- (1) Name, address and telephone number of the property owner;
- (2) Name, address and telephone number of any designated local property manager;
- (3) The street address of the rental property; and
- (4) The name, telephone number and address of the person authorized to make or authorized to order repairs or services to the property, if the person is different than the owner or local manager.

(5) The square footage of living rooms, dining rooms and bedrooms to determine occupancy load. (as added by Ord. #05-23, Dec. 2005)

12-1003. Inspection required. All residential rental units shall be inspected periodically by the city for compliance with this chapter and all other applicable laws. (as added by Ord. #05-23, Dec. 2005)

12-1004. Property maintenance. All residential rental units shall comply with the property maintenance code adopted by the city. (as added by Ord. #05-23, Dec. 2005)

12-1005. Frequency of inspections. All residential rental units subject to this chapter shall be inspected periodically; but nothing shall preclude the inspection of the residential rental unit upon a complaint being made under the provisions of other city ordinances or state laws. (as added by Ord. #05-23, Dec. 2005)

12-1006. Registration certificate required. No person shall rent or allow for the occupancy of any residential rental unit that is subject to this chapter without having a valid, current certificate of registration for that unit. The certificate shall be kept on the property at all times and shall state the maximum number of residents allowed to occupy the unit. The maximum occupancy number shall be established or confirmed by the city's code enforcement officer using standards contained within the property maintenance code. (as added by Ord. #05-23, Dec. 2005)

12-1007. Certificate registration date. The certificate of registration issued pursuant to this chapter shall expire three (3) years from the date of issuance. The expiration date shall be prominently displayed on its face. (as added by Ord. #05-23, Dec. 2005)

12-1008. Certificate transferability. A certificate of registration issued shall not be transferred to succeeding owners. Upon the transfer of ownership of the property, a new certificate of registration shall be required. (as added by Ord. #05-23, Dec. 2005)

12-1009. Request for additional inspections. The owner or designated property manager of any residential unit that is subject to this chapter may request additional inspections of the rental units at any time. (as added by Ord. #05-23, Dec. 2005)

12-1010. Exemptions. This chapter shall not apply to the following:

- (1) Residential rental units owned and operated by any governmental agency;
- (2) Residential rental units licensed and inspected by the state; and

(3) Hotels that do not rent to permanent residents and nursing homes or assisted living or retirement facilities.

(4) Apartment complexes that already keep the required registration information on file and accessible. (as added by Ord. #05-23, Dec. 2005)

12-1011. Records. All records, files and documents pertaining to the rental registration and rental unit inspection program shall be maintained by the community development department and made available to the public as allowed or required by state law or city ordinance. (as added by Ord. #05-23, Dec. 2005)

12-1012. Other actions, prosecutions, court cases. Nothing in this chapter shall prevent the city from taking action under any of its fire codes, building codes, technical codes, zoning ordinance, or other health and safety codes, ordinances or laws for violations thereof to seek injunctive relief or criminal prosecution of such violations in accordance with the terms and conditions or the particular code, ordinance or law under which the city would proceed against the property owner, designated property manager or occupant of any residential rental unit covered by this registration and inspection chapter. (as added by Ord. #05-23, Dec. 2005)

12-1013. Nuisances, injunction. Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (as added by Ord. #05-23, Dec. 2005)

12-1014. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #05-23, Dec. 2005)

12-1015. Saving clause. Nothing in this chapter shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. (as added by Ord. #05-23, Dec. 2005)

12-1016. Severability. The various parts, sections and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (as added by Ord. #05-23, Dec. 2005)



CHAPTER 11

PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS

SECTION

- 12-1101. Acceptability.
- 12-1102. Scope.
- 12-1103. Radio coverage.
- 12-1104. FCC approval/compliance.
- 12-1105. Enhanced amplification systems.
- 12-1106. Testing.
- 12-1107. Annual test.
- 12-1108. Penalties.

12-1101. Acceptability. Except as otherwise provided, no person shall maintain, erect, or construct any building or structure or any part thereof, or cause the same to be done which fails to allow adequate radio coverage for emergency services communication. (as added by Ord. #05-31, Feb. 2006)

12-1102. Scope. The provisions of this chapter shall apply to public buildings and structures and privately owned buildings and structures to which the public has or may have access to, including all basements and/or sub-level structures. (as added by Ord. #05-31, Feb. 2006)

12-1103. Radio coverage. Except as otherwise provided, no person shall maintain, erect, construct or modify any building or structure or any part thereof, or cause the same to be done which fails to allow adequate radio coverage for emergency services personnel.

The City of Springfield emergency services with consideration to police, fire and emergency medical services shall determine the frequency range or ranges that must be supported.

Adequate radio coverage shall constitute a successful communication between emergency service providers' equipment at hip level (2-3 feet above the ground) in the building, units in the field, and the communications center. (as added by Ord. #05-31, Feb. 2006)

12-1104. FCC approval/compliance. If amplification is used to achieve adequate signal strength, all equipment must have FCC approval and FCC identification numbers clearly marked on the amplifier. A copy of the make and model numbers shall be provided to the City of Springfield radio maintenance personnel.

The occupant of the building shall comply with all FCC regulations, if required, for the equipment being installed. (as added by Ord. #05-31, Feb. 2006)

12-1105. Enhanced amplification systems. Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required radio coverage: radiating cable system(s); internal multiple antennal system(s) with a frequency range as established under the radio coverage section, with amplification system(s) as needed; voting receiver system(s) as needed; or bi-directional amplifier system(s) (BDA).

If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least three (3) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power,

Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling, and humidity requirements of the equipment that will be utilized to meet requirements. The area where the amplification equipment is located must also be free of hazardous materials. All communications equipment including amplification systems, cable and antenna systems shall be grounded. (as added by Ord. #05-31, Feb. 2006)

12-1106. Testing. Testing shall be performed with the actual frequencies in coordination with the police, fire, emergency medical service, communications center, and radio maintenance personnel.

All testing shall be done in the presence of the appropriate emergency services departments and radio maintenance personnel at no expense to the City of Springfield.

Both inbound and outbound radio signals shall be tested on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure to assure a ninety-five percent (95%) area of coverage in radio communication.

A certificate of occupancy may be denied for new buildings or structures for failure to comply with these requirements. (as added by Ord. #05-31, Feb. 2006)

12-1107. Annual test. An annual test may be conducted by any of the appropriate emergency services departments or radio maintenance personnel. After providing reasonable notice to the owner or occupant, emergency service personnel and/or radio maintenance personnel shall have the right to enter the property to conduct the field test, to be certain that the required level of radio coverage is present.

If the communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem within sixty (60) days following the annual test and restore the system in a manner consistent with the original approval criteria. Any retesting shall be done at no expense to the City of

Springfield or emergency services departments as required in the original testing procedures. (as added by Ord. #05-31, Feb. 2006)

12-1108. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #05-31, Feb. 2006)

CHAPTER 12

ENERGY CONSERVATION CODE

SECTION

- 12-1201. Energy Conservation Code adopted.
- 12-1202. Modifications.
- 12-1203. Available in recorder's office.

12-1201. Energy Conservation Code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of securing the beneficial interests and purposes of public safety, health and general welfare by regulating and governing energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems, the International Energy Conservation Code, 2009 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the energy conservation code. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)

12-1202. Modifications. The International Energy Conservation Code, 2009 edition, adopted by the provisions of this chapter, is hereby modified as follows:

Whenever the “code official” is referred to in this code, it shall, for the purposes of the energy conservation code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the energy conservation code. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)

12-1203. Available in recorder’s office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502 one (1) copy of the energy conservation code has been filed with the city recorder and is available for public use and inspection. Said energy conservation code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits. (as added by Ord. #12-02, April 2012, and replaced by Ord. #14-18, Oct. 2014)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. HEALTH AND SANITATION.
2. JUNKYARDS.

CHAPTER 1

HEALTH AND SANITATION

SECTION

- 13-101. House trailers.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. High grass, weeds and rubbish.
- 13-105. Dead animals.
- 13-106. Gases, dust, and particulate matter.
- 13-107. Health and sanitation nuisances.

13-101. 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. (1981 code, § 8-404)

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. (1981 code, § 8-405)

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. (1981 code, § 8-406)

13-104. High grass, weeds and rubbish. The owners and occupants of real property, whether the same be occupied by structures, are hereby required not to allow grass on such property to grow to a height that exceeds more than twelve inches (12"); and to keep all weeds, wild bushes, overgrown shrubs, vines, trees and landscaping; rank or noxious vegetation; and rubbish of every kind

and character cleared and removed from such property. Rubbish shall include automobiles remaining unmoved, inoperable and unlicensed for a period of thirty (30) days or more. The height restriction on grass shall apply to all zoning districts, except Agricultural Districts (AG), that permit dwellings as a principal use in those districts.

If any owner or occupant of property within the city shall fail to cut, clear and remove such aforementioned grass vegetation; overgrown shrubs, vines, trees and landscaping; or rubbish, the city code enforcement officer shall serve a notice, in writing, upon such owner or occupant requiring him to cut, clear and remove same from said property within ten (10) days after service of such notice. Such notice may be served personally upon the owner or his agent or tenant, may be mailed by certified or registered mail to the owner or occupant at his last known address, or may be posted on the property. Service of notice by any of the foregoing methods shall constitute due notice within the meaning of this section. If any owner or occupant, after notice as provided for herein, shall fail to cut, clear or remove said grass, vegetation or rubbish from the property described in said notice, within ten (10) days after service of notice, the code enforcement department is authorized and directed to clear and remove the same and to prepare a statement of the cost thereof and file such statement with the city recorder for collection. This statement shall include a fee of seventy-five dollars (\$75.00) for three (3) hours of staff time associated with administrative and enforcement duties. A lien is hereby declared on such property for all costs incurred by the code enforcement department in cutting, clearing and removing said grass, weeds, wild bushes; overgrown shrubs, vines, trees and landscaping; rank or noxious vegetation; and/or rubbish. The lien shall be enforced by attachment in law or equity and the costs recovered by suit in the name and for the use of the Board of Mayor and Aldermen of Springfield, Tennessee.

Upon receiving the statement of costs mentioned above, the city recorder shall notify the owner or occupant by regular mail of the amount owed and all such bills shall bear interest at the rate of six percent (6%) per annum. Any unpaid lien after thirty (30) days after mailing said bill shall become a part of the property tax as authorized by Tennessee Code Annotated, § 67-5-2101.

Any person, firm or corporation violating the provisions of this section shall be punished by a fine under the general penalty clause of this code. (1981 Code, § 8-407, as replaced by Ord. #97-24, Nov. 1997, Ord. #02-07, June 2002, and Ord. #17-02, March 2017)

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 dispose of such animal in such manner as the county health officer shall direct. (1981 code, § 8-408)

13-106. Gases, dust, and particulate matter. No emission shall be permitted from any stack, chimney, silo, storage bin or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases

resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the lot line on which the source is situated. Particulate matter is defined as matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions. (1981 code, § 8-409, as replaced by Ord. #07-17, Aug. 2007)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

The city departments of electricity, water and gas shall not sell or furnish any electricity, water or gas to the owners or occupants of any premises which have been declared a public nuisance and unfit for human habitation by the city community development director or building inspector. (as added by Ord. #07-17, Aug. 2007)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Definitions.

13-202. Junkyards.

13-203. Compliance with storm water management regulations.

13-204. Date for compliance.

13-205. Violation and penalty.

13-201. Definitions. For the purposes of this chapter, the following terms shall have the respective meanings ascribed to them:

(1) "Automobile graveyard." Any lot, establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(2) "Junk." Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(3) "Junkyard." An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, car crushing sites, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. Provided, however, a "junkyard" shall not be construed to include a recycling center.

(4) "Recycling center." An establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product. (as added by Ord. #10-04, April 2010)

13-202. 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 which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within a close fitting plank fence (privacy fence) touching the ground on the bottom and being not less than



eight feet (8') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (as added by Ord. #10-04, April 2010)

13-203. Compliance with storm water management regulations. All junkyards in which motor vehicles are to be kept or stored shall conform to the requirements of Ordinance 04-25 pertaining to storm water management regulations as it currently reads or is subsequently amended. The area upon which motor vehicles are to be kept or stored shall be paved with hot mix asphalt or concrete pavement and curbed to direct the flow of storm water to appropriate treatment devices. Furthermore, the owners of said junkyards shall provide sufficient evidence to the City of Springfield that they are properly containing, treating and disposing of any oils, antifreezes, etc. that may be discharged on their properties as by-products of motor vehicle storage. (as added by Ord. #10-04, April 2010)

13-204. Date for compliance. All new junkyards must fully comply with the provisions of this chapter before opening for business. All junkyards in operation on the date of the final passage of the ordinance that creates this chapter shall have a period of six (6) months from the date of final passage of the ordinance to fully comply with the provisions of this chapter. (as added by Ord. #10-04, April 2010)

13-205. Violation and penalty. Any person owning or operating a junkyard in violation of the above provisions shall bring such junkyard into compliance with this chapter within thirty (30) days upon receiving written notice from the city. Any person failing to do so shall be guilty of a violation of this chapter and shall be punished by a fine under the general penalty provision of this code. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #10-04, April 2010)

TITLE 14<sup>1</sup>

ZONING AND LAND USE CONTROL<sup>2</sup>

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION<sup>3</sup>

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-104. Code of ethics.

14-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; one (1) member shall be nominated by each alderman to represent each ward and appointed by the mayor, one (1) member shall be appointed by the mayor to represent the planning district, one (1) member shall be appointed by the Board of Mayor and Aldermen from the Board of Mayor and Aldermen and the ninth member shall be the mayor or a person at large appointed by the mayor. The commission shall elect its chairperson from among the appointed members. All members of the planning commission shall serve as such without compensation. The terms of the members representing wards will run concurrently with the term of the respective alderman. The term of mayor's position or his designated person will run concurrently with the term of the mayor. The term of the member representing the planning district shall be for two (2) years and will expire June 30th of every even numbered year. The term of the member from the Board of

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<sup>1</sup>The city's zoning ordinance has not been included in this code. It is published as a separate document, and is of record in the city recorder's office.

<sup>2</sup>Note also that the Municipal Subdivision Regulations of Springfield have been published separately, and are of record in the city recorder's office.

<sup>3</sup>The subdivision regulation ordinance has not been included in this code. It is published as a separate document and is of record in the city recorder's office.

Mayor and Aldermen shall be for two (2) years and will expire on June 30th of every odd numbered year. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (as replaced by Ord. #96-47, § 1, Oct. 1996)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of title 13, Tennessee Code Annotated. (1981 code, § 11-102, as replaced by Ord. #96-47, § 1, Oct. 1996)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1981 code, § 11-103, as replaced by Ord. #96-47, § 1, Oct. 1996)

14-104. Code of ethics. Upon their appointment, members of the planning commission shall receive copies of the most current edition of the American Planning Association Ethical Principles For Planning and shall execute their official duties in compliance with the standards of conduct delineated therein. (as replaced by Ord. #96-47, § 1, Oct. 1996)

TITLE 15<sup>1</sup>MOTOR VEHICLES, TRAFFIC AND PARKING

## CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. TURNING MOVEMENTS.
4. STOPPING AND YIELDING.
5. PARKING.
6. ENFORCEMENT.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Authorized emergency vehicles defined.
- 15-103. Operation of authorized emergency vehicles.
- 15-104. Following emergency vehicles.
- 15-105. Running over fire hoses, etc.
- 15-106. Driving on streets closed for repairs, etc.
- 15-107. Reckless driving.
- 15-108. One-way streets.
- 15-109. Unlaned streets.
- 15-110. Laned streets.
- 15-111. Yellow lines.
- 15-112. Miscellaneous traffic-control signs, etc.
- 15-113. General requirements for traffic-control signs, etc.
- 15-114. Unauthorized traffic-control signs, etc.
- 15-115. Presumption with respect to traffic-control signs, etc.
- 15-116. School safety patrols.
- 15-117. Driving through funerals or other processions.
- 15-118. Damaging pavements.
- 15-119. Clinging to vehicles in motion.
- 15-120. Riding on outside of vehicles.
- 15-121. Backing vehicles.
- 15-122. Projections from the rear of vehicles.
- 15-123. Causing unnecessary noise.

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<sup>1</sup>For provisions relating to obstructions and/or excavations in public streets, alleys, sidewalks, and rights of way, see title 18 in this code.

- 15-124. Vehicles and operators to be licensed.
- 15-125. Passing.
- 15-126. Following too close.
- 15-127. Right of way at intersections.
- 15-128. Obstruction of operator's view or driving mechanism.
- 15-129. Coasting prohibited.
- 15-130. Duty in event of accident.
- 15-131. Bicycle riders, etc.

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 chapter 9, title 55, of the Tennessee Code Annotated. (1981 code, § 9-101)

15-102. 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. (1981 code, § 9-102)

15-103. Operation of authorized emergency vehicles.<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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<sup>1</sup>See section 15-401 in this code for provisions with respect to the operation of other vehicles upon the approach of emergency vehicles.

(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. (1981 code, § 9-103)

15-104. 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 (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 code, § 9-104)

15-105. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1981 code, § 9-105)

15-106. 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. (1981 code, § 9-106)

15-107. 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. (1981 code, § 9-107)

15-108. 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. (1981 code, § 9-109)

15-109. 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 municipality 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. (1981 code, § 9-110)

15-110. Laned streets. On streets marked with traffic 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. (1981 code, § 9-111)

15-111. 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. (1981 code, § 9-112)

15-112. Miscellaneous traffic-control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1981 code, § 9-113)

15-113. 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,<sup>1</sup> 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 municipality. This section shall not be construed as being mandatory but is merely directive. (1981 code, § 9-114)

15-114. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1981 code, § 9-115)

15-115. 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. (1981 code, § 9-116)

15-116. 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. (1981 code, § 9-117)

15-117. 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. (1981 code, § 9-118)

15-118. 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. In addition to a fine, any violator shall be liable to the city for all damages done to the streets. (1981 code, § 9-119)

15-119. 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. (1981 code, § 9-120)

15-120. 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. (1981 code, § 9-121)



15-121. 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. (1981 code, § 9-122)

15-122. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1981 code, § 9-123)

15-123. 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. (1981 code, § 9-124)

15-124. 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." (1981 code, § 9-125)

15-125. 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. (1981 code, § 9-126)

15-126. Following too close. The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the streets. (1981 code, § 9-127)

15-127. Right of way at intersections. The operator of a vehicle approaching an intersection shall yield the right of way to any vehicle which has entered that intersection.

When two vehicles enter the intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right. (1981 code, § 9-128)

15-128. Obstruction of operator's view or driving mechanism. No operator of any vehicle shall drive the same when such vehicle is so loaded with persons or materials as to obstruct the view of the operator or to interfere with the operator's control over the driving mechanism, or to endanger the lives or safety of passengers or others. (1981 code, § 9-129)

15-129. Coasting prohibited. The operator of any motor vehicle, when traveling on a down grade on any street, shall not coast with the gears of such vehicle in neutral. (1981 code, § 9-130)

15-130. Duty in event of accident. The operator of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident and shall give his name and address and the registration number of his vehicle to the person struck or to the driver or occupants of any vehicle collided with or to the owner of any damaged property and shall render reasonable assistance to any person injured in such accident. (1981 code, § 9-131)

15-131. 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, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle 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, or motor driven cycle 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, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

No person shall operate a bicycle in the city after sundown without an adequate red reflector on the rear and a white light on the front.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1981 code, § 9-132)

## CHAPTER 2

SPEED LIMITS

## SECTION

15-201. In general.

15-202. At intersections.

15-203. In school zones.

15-204. In congested areas.

15-201. 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. (1981 code, § 9-201)

15-202. 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. (1981 code, § 9-202)

15-203. In school zones. Generally, pursuant to section 55-8-152, Tennessee Code Annotated, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than twenty (20) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding twenty (20) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1981 code, § 9-203)

15-204. 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. (1981 code, § 9-204)

## CHAPTER 3

TURNING MOVEMENTS

## SECTION

15-301. Generally.

15-302. Right turns.

15-303. Left turns on two-way roadways.

15-304. Left turns on other than two-way roadways.

15-305. U-turns.

15-301. 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.<sup>1</sup> (1981 code, § 9-301)

15-302. 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. (1981 code, § 9-302)

15-303. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1981 code, § 9-303)

15-304. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one 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. (1981 code, § 9-304)

15-305. U-turns. U-turns are prohibited. (1981 code, § 9-305)

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<sup>1</sup>See section 55-8-143, Tennessee Code Annotated.

## CHAPTER 4

STOPPING AND YIELDING

## SECTION

- 15-401. Upon approach of authorized emergency vehicles.
- 15-402. When emerging from alleys, etc.
- 15-403. To prevent obstructing an intersection.
- 15-404. At railroad crossings.
- 15-405. At "stop" signs.
- 15-406. At "yield" signs.
- 15-407. At traffic-control signals generally.
- 15-408. At flashing traffic-control signals.
- 15-409. At pedestrian-control signals.
- 15-410. Stops to be signaled.

15-401. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle<sup>1</sup> 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. (1981 code, § 9-401)

15-402. 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. (1981 code, § 9-402)

15-403. 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. (1981 code, § 9-403)

15-404. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the

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<sup>1</sup>See section 15-102 in this code.

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 fifteen hundred (1500) feet 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. (1981 code, § 9-404)

15-405. 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. (1981 code, § 9-405)

15-406. 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. (1981 code, § 9-406)

15-407. 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 municipality, 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 shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections those clearly marked by a "No Turns On Red" sign, which may be erected by the municipality at intersections which the municipality 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. (1981 code, § 9-407)

15-408. 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 municipality 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 section 15-404 of this code. (1981 code, § 9-408)

15-409. 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 municipality, 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. (1981 code, § 9-409)

15-410. 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,<sup>1</sup> except in an emergency. (1981 code, § 9-410)

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<sup>1</sup>See section 55-8-143, Tennessee Code Annotated.

CHAPTER 5

PARKING

SECTION

15-501. Generally.

15-502. Angle parking.

15-503. Occupancy of more than one space.

15-504. Where prohibited.

15-505. Loading zones.

15-506. Two hour parking.

15-507. Presumption with respect to illegal parking.,

15-508. Traffic committee.

15-501. 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 municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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. (1981 code, § 9-501)

15-502. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than headed in 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 (24) feet. (1981 code, § 9-502)

15-503. 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 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. (1981 code, § 9-503)

15-504. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or municipality, nor:

- (1) On a sidewalk,

- (2) In front of a public or private driveway,
- (3) Within an intersection or within ten feet (10') thereof,
- (4) Within ten feet (10') either side 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) In any space marked and designated "Doctor's Parking Space" except by the person or persons for whose use said space was established,
- (12) In front of the entrance to any movie theatre between 4 P.M. and 12 midnight,
- (13) Alongside any curb painted yellow or red by the municipality,
- (14) No person shall leave an unattended vehicle in any area designated as a fire lane which designation shall be by the marking on the road surface of the words "Fire Lane" and by the marking of the area of the fire lane and the posting of signs indicating that the area is a no parking area or a fire lane area or words on a sign to that effect. Said attended vehicles may be in the fire lane for the purpose of loading and unloading only. The marking of the fire lane may be under the supervision of the fire chief of the City of Springfield or of the owner or occupant of premises adjacent to the fire lane. Fire lanes for the purpose of this section may be designated on public streets, roads, alleys or highways of the City of Springfield, or on the premises of any shopping center, trailer park or any apartment house complex, or any other premises which is generally frequented by the public at large.

The Springfield Police Department shall be the enforcing authority for the issuance of citations for violations of this section. A person who parks a vehicle in violation of this section shall be subject to a fine of not less than twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense. Violators with three (3) or more unpaid parking tickets shall have their vehicles immobilized by the Police Department until all of their parking tickets are paid. Section 15-603 in reference to fines for illegal parking shall have no application to this section. (1981 code, § 9-504; Ord. # 90-01; as amended by Ord. # 094-15, Sept. 1994, and replaced by Ord. #16-15, Sept. 2016)

15-505. Loading zones. It is the policy of the traffic committee that loading zones in commercially and industrially zoned areas be permitted only when there are no alternative means of ingress and egress serving such purpose adjacent to the property.

Loading and unloading zones may be established and designated in front of or beside business houses where the need exists, at a monthly charge of ten dollars (\$10.00). No person shall park a vehicle for any purpose or period of time other than for fifteen (15) minutes for the purpose of loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone.

15-506. Two hour parking. A two (2) hour parking limit for all on street parking spaces shall be in effect daily from 8:00 A.M. to 6:00 P.M. on the following streets: Main Street from 4th Avenue to 9th Avenue West from Main Street to Locust Street, 7th Avenue East from Main Street to Willow Street, 8th Avenue East from Main Street to Willow Street, Locust Street from 5th Avenue West to 6th Avenue West, 6th Avenue West from Main Street to Locust Street, and on West Courthouse Square. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in such on street parking space for any consecutive period of time more than two (2) hours. On street parking spaces designated for handicap parking only shall not be subject to the two (2) hour parking limit. (as replaced by Ord. #16-15, Sept. 2016)

15-507. 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. (1981 code, § 9-508)

15-508. Traffic committee. The traffic committee shall consist of the city engineer, public works director, community development director, chief of police, electric utility director and two (2) citizens at large appointed by the mayor.

CHAPTER 6

ENFORCEMENT

SECTION

- 15-601. Issuance of traffic citations.
- 15-602. Failure to obey citation.
- 15-603. Illegal parking.
- 15-604. Impoundment of vehicles.
- 15-605. Disposal of "abandoned motor vehicles."
- 15-606. "Rules of the Road" adopted.
- 15-607. Compliance with financial responsibility law required.

15-601. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1981 code, § 9-601)

15-602. 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. (1981 code, § 9-602)

15-603. 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 seven (7) days during the hours and at a place specified in the citation.

The offender may, within seven (7) days, have the charge against him disposed of by paying to the police department a fine of twenty-six dollars (\$26.00) provided he waives his right to a judicial hearing. Violators with three (3) or more unpaid parking tickets shall have their vehicles immobilized by the police department until all of their parking tickets are paid. (Ord. # 90-06, as replaced by Ord. #16-18, Nov. 2016)

15-604. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. (1981 code, § 9-604, modified)

15-605. Disposal of "abandoned motor vehicles". "Abandoned motor vehicles," as defined in section 55-16-103, Tennessee Code Annotated, shall be impounded and disposed of by the police department in accordance with the provisions of sections 55-16-103 through 55-16-109, Tennessee Code Annotated. (1981 code, § 9-605)

15-606. "Rules of the Road" adopted. By the authority granted under Tennessee Code Annotated, § 55-10-307, the City of Springfield 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 55-8-180. Additionally, the City of Springfield adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193 by reference as if fully set forth in this section. (as added by Ord. #06-19, Sept. 2006)

15-607. Compliance with financial responsibility law required.

1. Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

2. At the time the driver of a motor vehicle is charged with any moving violation under 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.

3. For the purposes of this section, "financial responsibility" means:

a. Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

b. A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

c. The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

4. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

5. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #06-20, Sept. 2006)

TITLE 16

STREETS AND SIDEWALKS, ETC.<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND PUBLIC RIGHTS OF WAY AND/OR STREETS.
3. SIDEWALKS.
4. HOUSE NUMBERS.
5. STREET NAMES.
6. PARADES.
7. SOLICITATION ROADBLOCKS.

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. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. [Repealed.]
- 16-114. [Repealed.]

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, materials, construction materials, brush, junk, leaves, etc. (1981 code, § 12-201, modified)

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 over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1981 code, § 12-202)

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<sup>1</sup>See title 15 in this code for related motor vehicle and traffic regulations.



16-103. Trees, etc., obstructing view at intersections prohibited. (1) 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 driving vehicles on public streets or alleys from obtaining a clear view of traffic control signs and approaching traffic at an intersection, pursuant to Manual of Uniform Traffic Control Devices.

(2) It shall be the duty of every owner or part owner of a lot or lots fronting upon any public street to maintain and/or remove any tree, shrub or brush outside the traveling roadway and/or back of the curb that could be constituted as a public nuisance. (1981 code, § 12-203, modified)

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. (1981 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 governing body after a finding that no hazard will be created by such banner or sign. (1981 code, § 12-205, modified)

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 law. (1981 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. (1981 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 or in which water from public right of way is drained.

No culvert pipe, concrete box culverts, bridges, etc. may be attached to existing drainage systems or installed in a public right of way or in a drainage ditch or area in which water from public right of way is drained without a written permit from the city engineer.

Any pipe or structure installed in violation of this section shall be removed by city personnel. (1981 code, § 12-208, modified)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. (1981 code, § 12-209)

16-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of thirty-five (35) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (Ord. # 84-01))

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1981 code, § 12-212)

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. (1981 code, § 12-113)

16-113. [Repealed.] (as added by Ord. #02-11, Aug. 2002, as repealed by Ord. #06-30, Dec. 2006)

16-114. [Repealed.] (as added by Ord. #02-11, Aug. 2002, as repealed by Ord. #06-30, Dec. 2006)

## CHAPTER 2

EXCAVATIONS AND PUBLIC RIGHTS OF WAY AND/OR STREETS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Deposit or bond.
- 16-204. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-205. Restoration of streets, etc.
- 16-206. Insurance.
- 16-207. Time limits.
- 16-208. Supervision.
- 16-209. Driveway construction.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, alley, public place or city right of way, or to tunnel under any street, alley, public place or city right of way 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 city engineer is open for business, and said permit shall be retroactive to the date when the work was begun. All existing streets shall be bored unless in the opinion of the city engineer this method is not feasible. (1981 code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the Public Works Department, 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

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<sup>1</sup>Sections 16-201 through 16-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W. 2d 885.

rejected or approved by the city engineer within twenty-four (24) hours of its filing. The fee for each permit shall be \$25.00. (1981 code, § 12-202)

16-203. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city engineer a cash deposit, certified cashier's check or non-revocable letter of credit to the City of Springfield. The deposit shall be a minimum of \$500.00. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city engineer shall increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if the applicant fails to do so, by the municipality or at its expense.

In lieu of a deposit the applicant may deposit with the city engineer a surety bond in such form and amount as the city engineer shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1981 code, § 12-204)

16-204. 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 meet minimum requirements of U.S. Dept. of Transportation-Federal Housing Admin., Manual on Uniform Traffic Control Devices (DOT-MUTCD) 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. (1981 code, § 12-205)

16-205. 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 as directed by the public works director or as a minimum the following specifications: (1) All excavations shall be backfilled as directed by public works director. In case of unreasonable delay in restoring the street, alley, or public place, the city engineer shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is restored according to the above specifications 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, 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. (1981 code, § 12-206)

16-206. 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 city engineer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$500,000 for each person and \$1,000,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$100,000 aggregate. (1981 code, § 12-207)

16-207. 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 backfill is made ready for the pavement to be put on by the municipality if the municipality 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 public works director. (1981 code, § 12-208)

16-208. Supervision. The public works director 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 municipality 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. (1981 code, § 12-209)

16-209. Driveway construction. No person, firm, corporation, association, or others shall construct, cut, build, or maintain a driveway connecting private property to a public street in this municipality without first obtaining a permit from the city engineer. 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. If such a permit is issued, it shall specify whether or not a drainage tile or culvert is required in the construction of the said driveway. If a drainage tile or culvert is required, the said permit shall specify the size of the drainage tile or culvert to be used. All drainage tiles or culverts used shall be constructed of either concrete or metal of no less than 15"

in diameter. Driveway placement, width and design shall comply with the Springfield Municipal Regional Zoning ordinance. Persons not complying with aforementioned permit shall not be issued any additional permits from the city. Driveways constructed in violation of the city code or driveway permits shall be removed by the Public Works Department. (1981 code, § 12-210, modified)

CHAPTER 3

SIDEWALKS

SECTION

- 16-301. Responsibility for construction of sidewalks.
- 16-302. Responsibility for maintenance.
- 16-303. Responsibility for correcting grade defects.
- 16-304. Conditions constituting a public nuisance.
- 16-305. Abatement of nuisances by city.
- 16-306. Supervision and direction of work.
- 16-307. Repairs and construction performed by the City of Springfield.

16-301. Responsibility for construction of sidewalks. It shall be the duty of every owner or part owner of a lot or lots fronting upon any public street in front of which there is no sidewalk or pavement to cause to be constructed and kept in proper and safe repair so as not to be attended with danger of personal injury, discomfort or inconvenience to the traveling public, a safe and proper sidewalk or pavement along the whole front of his lot or lots in accordance with the provisions of this chapter and any and all other ordinances of Springfield, Tennessee. (1981 code, § 12-301)

16-302. Responsibility for maintenance. It shall be the duty of every owner of a lot or lots within the city along or in front of which a sidewalk or pavement has been constructed to maintain such sidewalk in a proper and safe condition so that the same is not attended with danger of personal injury, discomfort or inconvenience to the traveling public. (1981 code, § 12-302)

16-303. Responsibility for correcting grade defects. It shall be the duty of every owner of a lot or lots within the city along or in front of which a sidewalk or pavement has been constructed, but in which there is an elevation or depression causing such sidewalk to be unsafe and improper for the traveling public and attended with danger of personal injury, discomfort or inconvenience, to so repair or fix said elevation or depression or, if necessary, to change the grade of his sidewalk or pavement so as to make it safe for the traveling public. (1981 code, § 12-303)

16-304. Conditions constituting a public nuisance. The absence of a sidewalk or pavement upon any public street or the presence of any defect or obstruction in any existing sidewalk or pavement which makes the use thereof by the public unsafe, improper, or attended with danger of personal injury, discomfort or inconvenience, is hereby declared to be and to constitute a public nuisance. The owner of the property in front of or along which such nuisance exists is responsible therefor and the failure to abate the same or in good faith

to commence to abate the same within five (5) days from the time notice has been served on him, or them, by the Codes Enforcement Department shall constitute a misdemeanor punishable under the general penalty clause for this code. The notice shall set out the character, size and kind of sidewalk to be constructed, or if repairs are necessary, the kind and character of such repairs, or if a change in the grade of the existing sidewalk is necessary or repairs to an elevation or depression is necessary, what grade is to be used or in what manner the elevation or depression is to be remedied. (1981 code, § 12-304)

16-305. Abatement of nuisances by city. When the Codes Enforcement Department has served the notice set out in the preceding section and the owner of said lot or lots has failed within five (5) days from the date of such service to in good faith commence the construction, paving, repairing or grading of said sidewalks as provided by this and other ordinances of Springfield, Tennessee, then the Board of Mayor and Aldermen of Springfield, Tennessee, may at once proceed to repair, construct, pave or grade said sidewalks or pavements by contract let to some suitable person on the best terms that can be made and pay for the same. When the costs thereof to each abutting owner is ascertained by the city recorder he shall notify him or them by registered mail as to the amount so expended and said amount shall constitute a charge against said owner or owners of the lot or lots respectively abutting thereon and also a lien upon said abutting lot or lots which may be enforced by attachment in law or equity, or recovered by suit in the name and for the use of the Aldermen of Springfield, Tennessee, in any court of competent jurisdiction. (1981 code, § 12-305)

16-306. Supervision and direction of work. The work of laying or constructing sidewalks or pavement and the repairing or changing of the grade therein or thereof shall be under the supervision and direction and subject to the control of the city engineer, as to the work and materials used. (1981 code, § 12-306)

16-307. Repairs and construction performed by the City of Springfield. The City of Springfield may from time to time elect to make repairs to existing sidewalk or construct new sidewalk, at selected locations and at its own expense, in order to improve pedestrian safety or the general appearance and function of city streets, or to eliminate grade defects or other public nuisances. The performance of such work by the City of Springfield shall not relieve the owner of a lot or lots within the city, along or in front of which a sidewalk or pavement has been constructed, of the duty to subsequently maintain at the owner's expense such sidewalk in a proper and safe condition in accordance with the provisions of this chapter and any and all other ordinances of Springfield, Tennessee. (as added by Ord. #01-40, Jan. 2002)



## CHAPTER 4

HOUSE NUMBERS

## SECTION

- 16-401. Division of city.
- 16-402. Use of "even" and "odd" numbers.
- 16-403. Allocation of numbers.
- 16-404. Placement of numbers.
- 16-405. Application and enforcement.

16-401. Division of city. Fifth Avenue shall be the dividing line between the northern and southern portions of the city. Main Street shall be the dividing line between the eastern and western portions of the city. (1981 code, § 12-401)

16-402. Use of "even" and "odd" numbers. Even numbers shall be placed on the north and east sides of avenues and streets and odd numbers shall be placed on the south and west sides. (1981 code, § 12-402)

16-403. Allocation of numbers. Numbers shall begin with the 100 block and 100 numbers shall be allotted to each block between cross streets.

Generally a separate number shall be allocated for each 25 feet or fraction thereof of frontage.

On the east side of Main Street between Fourth Avenue and Eighth Avenue and on the Square a separate number shall be allocated for each 12 1/2 feet or fraction thereof. (1981 code, § 12-403)

16-404. Placement of numbers. The owner of every house that is not already numbered with an approved number shall place thereon a conspicuous house number approved by the Community Development Office.

The owner shall remove any incorrect or irregular number. (1981 code, § 12-404, modified)

16-405. Application and enforcement. The Community Development Office shall see that proper numbers are assigned and made available at cost to property owners making application therefor and shall generally see to the enforcement of this chapter. (1981 code, § 12-405, modified)

## CHAPTER 5

STREET NAMES

## SECTION

16-501. System established.

16-501. System established. There is hereby established an official system of street names in the City of Springfield as shown on the City Engineer's Base Map for Computer Aided Design as produced by the City Engineering Department.

Names of streets shall remain as designated on said map unless officially changed by ordinance.<sup>1</sup>

No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If they are extensions of existing streets, the existing name shall be continued. If not extensions the names recorded shall not duplicate or closely approximate street names already assigned.

Every subdivision plat submitted to the planning commission for its approval after the effective date of this chapter shall show the proper names of any and all streets and these street designations shall be approved by the planning commission before such new streets are officially named. If street names are changed, the city engineer shall be responsible for revision and recording of revised plats. (1981 code, § 12-501)

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<sup>1</sup>Ordinances vacating, closing, or changing the names of streets and/or alleys are of record in the city recorder's office and are dated as follows:

Sept. 11, 1964

June 9, 1970

Feb. 9, 1971

May 7, 1974

Aug. 8, 1978

Apr. 22, 1980

CHAPTER 6

PARADES

SECTION

- 16-601. Short title.
- 16-602. Definitions.
- 16-603. Purposes.
- 16-604. Permit.
- 16-605. Application.
- 16-606. Standards for issuance.
- 16-607. Contents of permit.
- 16-608. Duties of permittee.
- 16-609. Revocation of permit.
- 16-610. Notice to city officials.
- 16-611. Violation and penalty.

16-601. Short title. This ordinance shall be known and may be cited as the "Parade Ordinance of the City of Springfield". (Ord. # 091-17, Dec. 1991)

16-602. Definitions. The following words, for the purpose of this ordinance, shall have the following meanings:

(1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such events to be held in, upon, or along any street, or on any other city owned outdoor public place in Springfield. "Parade" shall not include the solicitation or collection of donations by religious, charitable, or non-profit organizations.

(2) "City" is the City of Springfield.

(3) "Board of Mayor and Aldermen" is the Board of Mayor and Aldermen of Springfield.

(4) "City recorder" is the city recorder of Springfield.

(5) "Chief of police" is the Chief of police of Springfield.

(6) "Parade permit" is a permit as required by this ordinance.

(7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind. (Ord. # 091-17, Dec. 1991, as amended by Ord. #01-41, Jan. 2002)

16-603. Purposes. (1) The City of Springfield recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The city passes this ordinance to regulate the time, place, and manner of parades.

(3) The city passes this ordinance in the interest of all its citizens, public safety, health, welfare, comfort, and convenience.

(4) The City of Springfield has limited resources and passes this ordinance so that it may properly allocate these resources among its citizens.

(5) The purpose of this ordinance is to promote order, safety, and tranquility in the streets of the city.

(6) This ordinance is passed to help minimize traffic and business interruption on or along city streets and public places. (Ord. # 091-17, Dec. 1991)

16-604. Permit. (1) No person shall parade unless a parade permit has been obtained from the Board of Mayor and Aldermen. Any parade held without the proper permit shall be unlawful.

(2) This ordinance shall not apply to funeral processions and park lands excluding the street, avenues or right of ways therein. (Ord. # 091-17, Dec. 1991)

16-605. Application. (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the Board of Mayor and Aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade and five (5) working days prior to any regularly scheduled or called meeting of the Board of Mayor and Aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the Board of Mayor and Aldermen.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade is to be conducted;

(d) The route to be traveled, the starting point, and the termination point;

(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

(f) The hours when the parade will begin and end;

(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(h) The location by streets of any assembly area(s);

(i) The time at which units of the parade will begin to assemble at any assembly area(s);

(j) The interval of space to be maintained between units of the parade; and

(k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.

(l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Springfield.

(4) The Board of Mayor and Aldermen shall decide whether to grant the application for a permit. The Board of Mayor and Aldermen may consult with the chief of police in making their decision.

(5) The Board of Mayor and Aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. (Ord. # 091-17, Dec. 1991)

16-606. Standards for issuance. (1) The Board of Mayor and Aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services;

(c) The parade is scheduled to move from its origin to its termination expeditiously and without reasonable delay;

(d) The applicant has satisfied the bond requirement; and

(e) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this ordinance.

(3) No permit shall be granted for a parade except those restricted to the following time:

(a) No earlier than 8:00 a.m.

(b) No later than 12:00 midnight.

(c) This subsection shall not be applicable to activities directly related to or activities sponsored by accredited public schools.

(4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.

(5) The city recorder shall notify the applicant within five (5) days after the action of the Board of Mayor and Aldermen whether the permit has been granted or denied. If the permit has been denied, the city recorder shall set forth the reasons why the Board of Mayor and Aldermen denied the permit.

(6) In computing any period of time set out in this ordinance, no Saturdays, Sundays, or holidays are to be computed in the time period. (Ord. # 091-17, Dec. 1991, as amended by Ord. # 094-07, May 1994)

16-607. Contents of permit. Each parade permit shall state the following:

- (1) Assembly and disassembly time and place;
- (2) Starting time;
- (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
- (4) Minimum speed;
- (5) Maximum speed;
- (6) Interval of space between parade units;
- (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the Board of Mayor and Aldermen in cooperation with the chief of police shall find necessary to the enforcement of this ordinance. (Ord. # 091-17, Dec. 1991)

16-608. Duties of permittee. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade. (Ord. # 091-17, Dec. 1991)

16-609. Revocation of permit. (1) The Board of Mayor and Aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

(a) Applicant materially misrepresented facts or information in the application; and/or

(b) Applicant failed to meet the standards for issuance set forth herein.

(2) The Board of Mayor and Aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (Ord. # 091-17, Dec. 1991)

16-610. Notice to city officials. Immediately upon the issuance of a parade permit, the city recorder shall send a copy of the permit to the following:

- (1) The mayor;
- (2) The city manager;
- (3) The city attorney;
- (4) The fire chief;
- (5) The ambulance authority; and
- (6) The chief of police. (Ord. # 091-17, Dec. 1991)

16-611. Violation and penalty. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this ordinance.

(2) It shall be unlawful for any person to participate in a parade in Springfield for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this ordinance shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (Ord. # 091-17, Dec. 1991)

CHAPTER 7

SOLICITATION ROADBLOCKS

SECTION

16-701. Determination of exemption from IRS required.

16-702. General requirements.

16-703. Definitions.

16-704. Eligibility.

16-705. Restrictions.

16-706. Permits.

16-707. Violations.

16-701. Determination of exemption from IRS required. Solicitation roadblocks shall be allowed on the streets of the City of Springfield only by organizations that have received a determination of exemption from the internal revenue service under 26 U.S.C. Subchapter 501(c) (3) or (4). (as added by Ord. #01-42, Jan. 2002)

16-702. General requirements. The members of the organization shall take reasonable and prudent precautions to prevent both the disruption of traffic flow and the injuries to persons or property. (as added by Ord. #01-42, Jan. 2002)

16-703. Definitions. The following terms shall apply in the interpretation and application of this chapter:

(1) "Solicitation roadblock" shall mean the solicitation by any person of money on or in the right of way of any street, road, highway, or any other public way and place generally open to and used by the public for travel in or upon motor vehicles.

(2) "Street," "road," "highway," and public way and place shall include the paved or unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally used by the public for pedestrian traffic.

(3) "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable organization. (as added by Ord. #01-42, Jan. 2002)

16-704. Eligibility. Charitable organizations desiring to conduct a solicitation roadblock shall be restricted to:

(1) Charitable organizations that have their principal headquarters and meeting place within the boundaries of Robertson County.



(2) No professional solicitor shall solicit in the name of a charitable organization.

(3) City of Springfield including various departments of the city. (as added by Ord. #01-42, Jan. 2002)

16-705. Restrictions. Restrictions shall be as follows:

(1) Roadblocks shall be limited to one (1) per day and only on Saturdays from 8:00 A.M. to 12:00 Noon.

(2) Roadblocks shall be conducted at the intersections of Locust Street and 5<sup>th</sup> Avenue West and Main Street at Central Avenue.

(3) Organizations shall be limited to one (1) roadblock per calendar year.

(4) Organizations shall clean up all litter occurring as a result of the roadblock.

(5) No one under eighteen (18) years of age may actively participate in the roadblock. (as added by Ord. #01-42, Jan. 2002)

16-706. Permits. Every charitable organization, which intends to solicit roadblock contributions within the City of Springfield, shall, prior to any solicitation shall comply with the following:

(1) File a completed "roadblock application" with the city recorder's office.

(2) The "roadblock application" must be filed a minimum of 30 days prior to the roadblock and no sooner than 90 days before the requested date.

(3) The city recorder, with the assistance of the police chief, shall approve or deny the application within five (5) days of request.

(4) Any applicant denied approval of an application may request, in writing, to appear before the board of mayor and aldermen for reconsideration.

(5) A permit shall be issued by the city recorder's office and a copy must be available at all solicitation locations. (as added by Ord. #01-42, Jan. 2002)

16-707. Violations. Any person violating this chapter shall be subject to punishment under the general penalty provision of the City of Springfield Municipal Code. (as added by Ord. #01-42, Jan. 2002)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE COLLECTION.
2. LITTER ABATEMENT.

CHAPTER 1

REFUSE COLLECTION<sup>1</sup>

SECTION

- 17-101. All premises to be kept clean.
- 17-102. Refuse defined.
- 17-103. Definitions.
- 17-104. Residential refuse collection.
- 17-105. Commercial refuse picked up residentially.
- 17-106. Apartments and condominiums picked up residentially.
- 17-107. Placement of refuse carts for collection.
- 17-108. Care of refuse carts.
- 17-109. Refuse collection for commercial units.
- 17-110. Refuse collection vehicles.
- 17-111. Disturbance of refuse carts and containers prohibited.
- 17-112. Hazardous waste prohibited.
- 17-113. Rubbish and bulky waste.
- 17-114. Conditions of service for rubbish and bulky waste collection.
- 17-115. Leaf collection service.
- 17-116. Sanitation rates.
- 17-117. Burning prohibited.
- 17-118. Penalties.

17-101. All premises to be kept clean. All persons within the city limits 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. All owners or tenants of residential units shall be required to accept and pay for refuse collection service as provided by the city and all owners of commercial units shall be required to either contract for refuse collection service or accept and pay for refuse collection service as provided by the city. (1981 code, § 8-101, as replaced by Ord. #05-19, Oct. 2005)

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<sup>1</sup>See Ord. #091-7, Aug. 1991 of record in the office of the recorder, for pickup rates and administrative procedures covering extra pickups.

17-102. Refuse defined. Refuse shall mean and include garbage, rubbish, and bulky waste as those terms are defined herein with the exception that dead animals, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded. All refuse placed at the street for pickup must be separated for disposal. Brush, leaves, metals, and junk must be stacked in separate piles. (1981 code, § 8-102, as replaced by Ord. #05-19, Oct. 2005)

17-103. Definitions. All other definitions for the purpose of this chapter are as follows:

(1) "Bags." Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed fifty (50) pounds.

(2) "Bulky waste." Stoves, refrigerators, water tanks, washing machines, other white goods and appliances, computers, televisions, stereo systems, furniture, mattresses and similar items.

(3) "Bundle." Trees, shrub and brush trimmings, or newspapers and magazines neatly stacked forming an easily handled package not exceeding six (6) feet in length or seventy-five pounds in weight.

(4) "Commercial refuse." All garbage, rubbish and bulky waste generated by a commercial or industrial unit, excluding hazardous waste.

(5) "Commercial refuse picked up residentially." Refuse from a commercial unit that is placed in a residential refuse cart.

(6) "Commercial unit." Any business, commercial, industrial, apartment, condominium, or large multi-unit residential establishment within the city limits.

(7) "Dumpster." A metal container at least two (2) cubic yards in size, with an attached lid, and specifically designed for use with a front-end loading packer truck.

(8) "Garbage." All normal and usual household and institutional waste products that are placed in approved containers for collection purposes and are usually a mixture of putrescible, non-putrescible, combustible and incombustible materials, such as organic wastes from food preparation and consumption, wrapping and packaging materials, metal, glass and plastic containers and other items.

(9) "Hazardous waste." Any chemical compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State of Tennessee as "hazardous" as that term is defined by or pursuant to Federal, State or local laws or ordinances.

(10) "Refuse cart." A ninety (90) gallon container on wheels provided to each sanitation customer by the City of Springfield.

(11) "Residential refuse." All garbage, rubbish, bulky waste and all other items that may be deposited in a sanitary landfill generated by an occupant of a residential unit, excluding hazardous waste.

(12) "Residential unit." A single-family home, mobile home, or duplex unit billed for service individually and located on a public street. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

(13) "Roll-off container." A large metal container, open or closed top, that can be rolled on to the back of a truck. Sizes of roll-off containers are generally twenty (20), thirty (30) or forty (40) cubic yards.

(14) "Rubbish." All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products, such as are used for packaging or wrapping, crockery and glass, floor sweepings, mineral or metallic substances. (as replaced by Ord. #05-19, Oct. 2005)

17-104. Residential refuse collection. The city shall provide refuse carts to all residential customers and will service residential customers once a week. Only refuse in the cart shall be collected, with the exception that extra household refuse generated due to holidays, visitors, parties, and similar events and that is placed in a bag next to the cart may be picked up on an occasional basis. Refuse placed in privately owned containers, cans and carts shall not be collected. Additional refuse left on or around the cart on a regular basis will not be picked up. If the practice of leaving excess waste around the refuse cart continues, the city shall have the discretion to provide an additional refuse cart at the residence and increase the sanitation rate accordingly. (1981 code, § 8-105, as replaced by Ord. #05-19, Oct. 2005)

17-105. Commercial refuse picked up residentially. The city shall have the discretion to provide residential refuse collection service to a small commercial customer. The city shall provide refuse carts to all commercial customers picked up residentially and will service small commercial customers picked up residentially one (1) or two (2) times per week, depending on each small commercial customer's preference. All refuse must be placed in the refuse cart for collection. The city shall not pick up additional refuse on or around the refuse cart. If the practice of leaving excess waste around the refuse cart continues, the city shall have the discretion to provide an additional cart which must be purchased by the customer and the customer's sanitation rate will be increased accordingly. The cost of such additional refuse cart shall be the same price as paid by the city when purchased from the supplier. (1981 code, § 8-107, as replaced by Ord. #05-19, Oct 2005)

17-106. Apartments and condominiums picked up residentially. Apartments, condominiums, or any other private properties that, at the discretion of the city, are allowed to receive refuse cart service shall comply with the following conditions:

(1) The owner or association must execute a hold harmless agreement with the public works department for any damage caused to street or driveway surfaces by city sanitation trucks collecting refuse carts.

(2) The complex must have an area for sanitation vehicles to turn around and sanitation vehicles will not be allowed to back into the complex.

(3) The city shall not provide refuse collection for rubbish, bulky waste, brush or leaves.

(4) Back door pick-up or waiver service will not be allowed. (as replaced by Ord. #05-19, Oct. 2005)

17-107. Placement of refuse carts for collection. All residential customers and small commercial customers picked up residentially, except those approved for special assistance due to handicap, illness or infirmity shall place their refuse carts at curbside or at the edge of the street no later than 5:30 A.M. on the day of collection. Where alleys are used by the city's refuse trucks, refuse carts shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city's refuse trucks, refuse carts shall be placed adjacent to and back of the ditch or street line if there is no curb. As soon as practical, after such refuse cart has been emptied, it shall be removed by the owner or occupant to within or to the rear of the premises and away from the street or alley until the next scheduled time for collection. (Ord. #091-7, Aug. 1991; replaced by Ord. #98-23, June 1998, Ord. #00-25, Dec. 2000, and Ord. #05-19, Oct. 2005)

17-108. Care of refuse carts. Each owner, occupant, or other responsible person using or occupying any residence or small commercial establishment within the city shall be provided by the city, free of charge, one (1) wheeled refuse cart for storage of refuse for collection by the city under the following conditions:

(1) Each owner, occupant, or other responsible person shall be responsible for keeping the refuse cart clean and sanitary in compliance with health and sanitation requirements and shall keep container lids closed at all times.

(2) No refuse shall be placed in the cart until such refuse has been drained of all free liquids.

(3) The refuse cart must not be painted, abused, mutilated, altered or modified in any manner.

(4) Each owner, occupant, or other responsible person shall be responsible for replacing the refuse cart if it is damaged or destroyed by the

customer or as a result of his negligence, by the payment of the purchase price expended by the city for the purchase of said refuse cart.

(5) The city shall replace any wheeled refuse cart that is worn out by normal wear and tear, or if it is stolen or damaged by a person other than the customer to whom it is assigned.

(6) The refuse cart shall not be filled to overflowing. If the overflow of refuse for a residential customer is regular, the city shall have the discretion to provide an additional refuse cart and increase the sanitation rate accordingly. If the overflow of refuse for a commercial customer is regular, the city shall have the discretion to provide an additional refuse cart which must be purchased by the customer and the customer's sanitation rate will be increased accordingly. The cost of such additional refuse cart shall be the same price as paid by the city when purchased from the supplier.

(7) Any residential or small commercial customer moving to another location within the city limits, or out of the city limits, shall be responsible for notifying the public works department. The refuse cart shall remain at the original assigned location.

(8) An application for an exemption may be made by any customer who is unable to push the refuse cart to the curb due to handicap, illness or infirmity. A doctor's statement may be required by the public works department for the refuse cart to be serviced behind the customer's residence. (as replaced by Ord. #05-19, Oct. 2005)

17-109. Refuse collection for commercial units. All commercial units not picked up residentially shall place all refuse in a city approved dumpster or roll-off container provided by a private refuse collection company, and shall maintain the dumpster or roll-off container and the surrounding area in a clean, neat, and sanitary condition. All dumpsters and roll-off containers shall be cleaned and disinfected on a regular basis and shall not be filled to overflowing. All dumpsters and roll-off containers shall be located at the rear of the property and shall be enclosed from sight in accordance with public works department specifications. All private refuse collection companies shall have valid permits or licenses to do business within the city. (as added by Ord. #05-19, Oct. 2005)

17-110. Refuse collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleaned and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. All refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (as added by Ord. #05-19, Oct. 2005)

17-111. Disturbance of refuse carts and containers prohibited. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any

other manner disturb or use any refuse cart, dumpster, or roll-off container belonging to another. This section shall not be construed to prohibit the use of public refuse carts, dumpsters, or roll-off containers for their intended purpose. (as added by Ord. #05-19, Oct. 2005)

17-112. Hazardous waste prohibited. It shall be unlawful to dispose of hazardous waste items through the city refuse collection system. Examples of hazardous waste include, but are not limited to, asbestos, medical waste, free liquids, paints, oils, batteries, intact drums and/or cylinders. (as added by Ord. #05-19, Oct. 2005)

17-113. Rubbish and bulky waste. In addition to the weekly refuse cart collection service, the city will, once a month, provide extra refuse collection service for rubbish consisting of limbs, branches, tree trimmings, brush, grass cuttings, chips, and shavings only. All other rubbish and bulky waste shall be collected during months designated by the city. Household garbage will not be collected as a part of this service and must be disposed of in the weekly refuse cart collection service. The extra refuse collection for rubbish and bulky waste shall be limited to one load of rubbish and bulky waste per residence per month with a maximum loading time of five (5) minutes per load. (as added by Ord. #05-19, Oct. 2005, and replaced by Ord. #12-10, Sept. 2012)

17-114. Conditions of service for rubbish and bulky waste collection. Rubbish and bulky waste shall be collected under the following conditions of service:

- (1) Brush, leaves, metals, other rubbish and bulky waste must be stacked in separate piles for disposal.
- (2) All loose rubbish must be placed in a bag for disposal.
- (3) All newspapers and magazines not bagged shall be bundled and tied for disposal.
- (4) All grass trimmings, yard waste and leaves must be placed in a bag for disposal.
- (5) All wood and limbs must be cut in lengths not to exceed eight (8) feet and must be stacked in piles weighing no more than seventy-five (75) pounds.
- (6) No more than three (3) bulky waste items will be disposed of per load.
- (7) Rocks, concrete, bricks, glass, dirt, tree trunks or stumps, and similar materials shall not be collected for disposal.
- (8) All rubbish and bulky waste requiring pick up must be placed at the curb or the edge of the street or alley, and not in a manner that will block traffic, sidewalks, drainage ditches or inlets, or present any type of traffic or safety hazard.

(9) Rubbish or bulky waste must not be placed at the curb or the edge of the street or alley for a period in excess of twenty-one (21) days.

(10) This service is limited to rubbish and bulky waste generated by the owner or occupant of the residence.

(11) All construction materials including, but not limited to, concrete, brick, glass, lumber, sheet rock, and roofing materials shall not be collected for disposal and must be disposed of by the resident, landlord or contractor producing said materials.

(12) A contractor or person paid by an owner or landlord to cut brush or limbs shall be responsible for the disposal of the material in an appropriate manner.

(13) Rubbish or bulky waste generated by a contractor performing work on a residential property or site will not be collected.

(14) Rubbish or bulky waste generated as a result of property clean up due to change of tenant, eviction or bankruptcy will not be collected. (as added by Ord. #05-19, Oct. 2005, and replaced by Ord. #12-10, Sept. 2012)

17-115. Leaf collection service. The city shall provide seasonal leaf collection during autumn. Leaf collection service shall begin on the fourth (4th) Monday in October and shall continue until three (3) days before Christmas. Leaf collection shall be in accordance with the following conditions of service:

(1) All leaves must be placed in bags for disposal.

(2) No other materials shall be mixed with the leaves.

(3) Bags of leaves must be placed near the curb or the edge of the street or alley, and not in a manner that will block traffic, sidewalks, drainage ditches or inlets, or present any type of traffic or safety hazard.

(4) After the dates stipulated, no more than three (3) bags of leaves may be collected on each regular weekly residential refuse collection. (as added by Ord. #05-19, Oct. 2005)

17-116. Sanitation rates. The monthly service charges for city refuse collection for residential and small commercial customers shall be as follows:

(1) The residential sanitation rate shall be thirteen dollars (\$13.00) per month. The charge will include refuse cart collection service, rubbish and bulky waste collection service, and leaf collection service.

(2) The small commercial sanitation rate for refuse cart collection service per cart shall be eighteen dollars (\$18.00) per month for one (1) pick up per week and twenty-five dollars (\$25.00) for two (2) pick ups per week. This charge includes refuse cart collection service only. (as added by Ord. #05-19, Oct. 2005, and replaced by Ord. #07-16, June 2007, and Ord. #14-10, June 2014)

17-117. Burning prohibited. The burning of refuse within the city limits is prohibited. (as added by Ord. #05-19, Oct. 2005)



17-118. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #05-19, Oct. 2005)

CHAPTER 2

LITTER ABATEMENT

SECTION

- 17-201. Definitions.
- 17-202. Litter in public places.
- 17-203. Placement of litter in receptacles so as to prevent scattering.
- 17-204. Sweeping litter into gutters prohibited.
- 17-205. Litter thrown by persons in vehicles.
- 17-206. Truck loads causing litter.
- 17-207. Construction site litter and erosion.
- 17-208. Litter in lakes and fountains.
- 17-209. Throwing or distributing handbills in public places.
- 17-210. Depositing handbills in uninhabited or vacant premises.
- 17-211. Prohibiting distribution of handbills where properly posted.
- 17-212. Distributing handbills at inhabited private premises, exemption.
- 17-213. Dropping litter from aircraft.
- 17-214. Posting notices prohibited.
- 17-215. Litter on occupied private property.
- 17-216. Owner to maintain premises free of litter.
- 17-217. Litter on vacant lots.
- 17-218. Receptacles required at all retail food establishments to control litter.
- 17-219. Placement of litter receptacles at other specific locations.
- 17-220. Cardboard to be properly stored or disposed of.
- 17-221. Dogs, cats and domestic fowl.
- 17-222. Clearing of litter from open private property of city.
- 17-223. Penalties.

17-201. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Aircraft". Any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and hot air balloons.

"Authorized private receptacle". A litter storage and collection receptacle as required in title 17, chapter 1 of the Springfield Municipal Code.

"City". The City of Springfield.

"Commercial handbill". Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or under any ordinance of this city; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

"Garbage". Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Handbill". A commercial or noncommercial handbill.

"Litter" "Garbage" "refuse" and "rubbish" as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"Newspaper". Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

"Noncommercial handbill". Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

"Park". A park, reservation, playground, recreation center or any other public area in the city owned or used by the city and devoted to active or passive recreation.

"Person". Any person, firm, partnership, association, corporation, company or organization of any kind.

"Private premises". Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

"Public place". Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

"Refuse". All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, scrap building materials, and solid market and industrial wastes.

"Rubbish". Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Vehicle". Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (as added by Ord. #97-25, § 1, Nov. 1997)

17-202. Litter in public places. No person shall throw litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection or in official state approved landfills. No person shall deposit grass or yard clippings in the street or in a public drainage way or drainage easement. (as added by Ord. #97-25, § 1, Nov. 1997)

17-203. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or public place or upon private property. No public receptacle shall be used for the disposal of other solid waste accumulated in residences or places of business. (as added by Ord. #97-25, § 1, Nov. 1997)

17-204. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter, dirt or debris from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises and all premises visible to the public and adjacent property owners free of litter. (as added by Ord. #97-25, § 1, Nov. 1997)

17-205. Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon the private property of another. (as added by Ord. #97-25, § 1, Nov. 1997)

17-206. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, leaked or deposited upon any street, alley or public place. Nor shall any person drive or move any vehicle or truck within the city the wheels or tires of which carry onto or deposit into any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (as added by Ord. #97-25, § 1, Nov. 1997)

17-207. Construction site litter and erosion. The owner and contractor shall contain building materials, construction debris, litter and erosion in such a manner as to prevent it from being blown, washed, carried or deposited upon any street, sidewalk, storm drainage way, public property or private property of another. (as added by Ord. #97-25, § 1, Nov. 1997)

17-208. Litter in lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, river, creek, or any other body of water within the city. (as added by Ord. #97-25, § 1, Nov. 1997)

17-209. Throwing or distributing handbills in public places. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place inside the city limits. Nor shall any person hand out or distribute or sell any handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it; provided further, that it shall be lawful to securely attach a handbill to a vehicle. Nothing herein authorizes a person to stand in the street to distribute handbills. (as added by Ord. #97-25, § 1, Nov. 1997)

17-210. Depositing handbills in uninhabited or vacant premises. No person shall throw, attach to the exterior of a building without the owner's permission, or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. For the purpose of this chapter, "temporarily uninhabited" or "temporarily vacant" means absent from the premises for thirty (30) or more consecutive days. (as added by Ord. #97-25, § 1, Nov. 1997)

17-211. Prohibiting distribution of handbills where properly posted. No person shall throw or deposit any handbill upon any private premises if requested by the occupant not to do so or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Advertisement." (as added by Ord. #97-25, § 1, Nov. 1997)

17-212. Distributing handbills at inhabited private premises, exemption.

(1) Distributing handbills at inhabited private premises. No person shall throw, deposit or distribute any handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by the occupant of such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is placed or deposited as to be reasonably secure and prevent such handbill from being blown about such premises or sidewalks, streets or other public places under ordinary weather conditions, and except that mailboxes may not be so used when so prohibited by federal law or regulations. No person shall place on, deposit or leave exposed in any private yard or driveway any unsolicited newspaper, handbill or material after the carrier or occupant has made written request that same be stopped, which request is addressed to the publisher of the unsolicited material and which request identifies the name and address of location of the owner or occupant who does not desire the material.

(2) Exemption for mail or newspaper. The provisions of this section shall not apply to the distribution of the mail by the United States nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to reasonably prevent their being carried or deposited by the elements upon any street, sidewalk or other public places or upon private property under ordinary weather conditions. (as added by Ord. #97-25, § 1, Nov. 1997)

17-213. Dropping litter from aircraft. No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (as added by Ord. #97-25, § 1, Nov. 1997)

17-214. Posting notices prohibited. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, tree or upon any public structure or building except as may be authorized or required by law. (as added by Ord. #97-25, § 1, Nov. 1997)

17-215. Litter on occupied private property. No person shall throw, deposit or maintain litter on any occupied private property located within the city, whether owned by such person or not, except that the owner or person in

control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or any other public place or upon any private property. Private receptacles for refuse must be stored so as not to be visible from the street except on the day of city refuse collection. Notwithstanding the foregoing, a private receptacle behind the home is permissible although visible to the street behind the residence. (as added by Ord. #97-25, § 1, Nov. 1997)

17-216. Owner to maintain premises free of litter. The owner or any person in control of any private property shall at all times maintain the premises free of litter. (as added by Ord. #97-25, § 1, Nov. 1997)

17-217. Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (as added by Ord. #97-25, § 1, Nov. 1997)

17-218. Receptacles required at all retail food establishments to control litter. (1) All retail food establishments, as hereinafter defined, shall place and maintain on the exterior of their premises, in places easily accessible by the public, receptacles for the deposit of paper and other litter generated by the carrying on of such retail food business.

(2) The proprietor of each retail food establishment shall arrange for the receptacles as required, under section (1) to be emptied into the establishment's bulk container. The proprietor shall keep his premises as well as adjacent public ways and adjacent properties clean and free of litter or trash that accumulates as the result of his business operation.

(3) The number and suitability of receptacles as required under subsection (1) for each such retail food establishment shall be determined in the reasonable discretion of the city public works director, on the basis of the volume of such establishment's business.

(4) The term "retail food establishment" as used herein shall mean vendors of carry-out prepared food and drink for immediate consumption, including without limitation so-called "fast foods" outlets, convenience stores, delicatessens, grocery stores, bars, etc., to the extent they shall sell such food and drink. (as added by Ord. #97-25, § 1, Nov. 1997)

17-219. Placement of litter receptacles at other specific locations. Litter receptacles shall be placed in all places in respect to the service of transient habitation, trailer parks, parks, gasoline service stations, tavern parking lots, shopping center parking lots, grocery store parking lots, boat launching areas, schools and other such public places in numbers appropriate to need.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure, place and maintain such litter receptacles at their own

expense on the premises and to empty such litter receptacles into the establishment's bulk container. (as added by Ord. #97-25, § 1, Nov. 1997)

17-220. Cardboard to be properly stored or disposed of. It shall be unlawful to keep, place, stack, bale or store used cardboard boxes, containers or materials on the outside of a business or commercial establishment in such a manner as to expose such used cardboard to wind and weather conditions. All used cardboard boxes, containers and materials that are on the outside of a business or commercial establishment shall be placed in a dumpster, garbage compactor or storage shed; or shall be secured in some other manner as to keep such used cardboard from exposure to wind and weather conditions. (as added by Ord. #97-25, § 1, Nov. 1997)

17-221. Dogs, cats and domestic fowl. (1) It shall be unlawful for the owners of dogs, cats and domestic fowl and other domestic animals to fail to dispose of the excrement, waste or refuse matter so there is odor to the occupants of adjacent property or any health hazard to the public or inhabitants of the subject premises. This same requirement applies to persons who maintain or board animals for others.

(2) It shall be unlawful for any person to maintain more than four (4) dogs on a lot of record containing less than two (2) acres unless the same is a licensed kennel or veterinary office or a special use permit is granted by the board of zoning appeals and the premises pass the unannounced inspections by the city codes enforcement department. However, this paragraph shall not apply to puppies under four (4) months of age.

(3) It shall be unlawful for any person to maintain more than six (6) cats outdoors on a lot of record containing less than two (2) acres unless the same is a licensed kennel or veterinary office. However, this paragraph shall not apply to kittens less than two (2) months of age.

(4) It shall be unlawful for any person to permit his/her dog or cat to defecate on the sidewalk, public street, public property or private property of another and fail to promptly remove the same. (as added by Ord. #97-25, Nov. 1997, and replaced by Ord. #05-18, Sept. 2005)

17-222. Clearing of litter from open private property of city. The code enforcement officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the city or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety and welfare.

If any owner or occupant of property within the city shall fail to clear and remove such litter from the property, the city code enforcement officer shall serve a notice, in writing, upon such owner or occupant requiring him to clear and remove same from said property within ten (10) days after service of such notice. Such notice may be served personally upon the owner or his agent or tenant, may be mailed by certified or registered mail to the owner or occupant



at his last known address, or may be posted on the property. Service of notice by any of the foregoing methods shall constitute due notice within the meaning of this section.

If any owner or occupant, after notice as provided for herein, shall fail to clear or remove said litter from the property described in said notice, within ten (10) days after service of notice, the code enforcement department is authorized and directed to clear and remove the same and to prepare a statement of the cost thereof and file such statement with the city recorder for collection. A lien is hereby declared on such property for all costs incurred by the city in clearing and removing said litter. The lien may be enforced by attachment in law or equity and the costs recovered by suit in the name and for the use of the Board of Mayor and Aldermen of Springfield, Tennessee.

Upon receiving the statement of costs mentioned above, the city recorder shall notify the owner or occupant by regular mail of the amount owed and all such bills shall bear interest at a rate of six percent (6%) per annum from a date thirty (30) days after mailing said bill until the same is paid.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, in addition to the foregoing, shall be punished by a fine under the penalty clause of this chapter. (as added by Ord. #97-25, § 1, Nov. 1997)

17-223. Penalties. Any person violating any of the provisions of this chapter shall be punished by a fine under the general penalty clause of this code. (as added by Ord. #97-25, § 1, Nov. 1997)

TITLE 18

WATER AND WASTEWATERS

CHAPTER

1. SPRINGFIELD WATER AND WASTEWATER DEPARTMENT.
2. WATER.
3. SEWAGE DISPOSAL.
4. STORM SEWER USE.
5. CROSS-CONNECTION CONTROL.

CHAPTER 1

SPRINGFIELD WATER AND WASTEWATER DEPARTMENT

SECTION

- 18-101. Consolidation of systems.
- 18-102. Collecting and accounting for revenues.
- 18-103. Allocation of operating expenses.
- 18-104. Disposition of revenue.
- 18-105. Wastewater and water service charges to be collected together.

18-101. Consolidation of systems. The Springfield Water system and the Springfield Wastewater Department are hereby consolidated into one department designated as the "Springfield Water and Wastewater Department." (1981 code, § 13-101)

18-102. Collecting and accounting for revenues. The revenue from water service and the revenue from wastewater service shall be collected concurrently. The revenues from water services and the revenues from wastewater services shall be kept in segregated accounts, and separate books kept thereon. (1981 code, § 13-102)

18-103. Allocation of operating expenses. All operating expenses of the Springfield Water and Wastewater Department shall be equitably and accurately allocated between the two divisions of said department, the expenses thereof properly allocable to the water division being allocated to that division and the expenses properly allocable to the wastewater division being allocated to that division. (1981 code, § 13-103)

18-104. Disposition of revenue. All revenues for water services shall be kept intact to the end that the same shall be punctually applied to the payment and retirement of water department bonds heretofore issued and for which said revenues have heretofore been pledged and in a like manner the revenues for wastewater services shall be punctually applied to the payment and retirement

of wastewater department bonds heretofore issued and for which said revenues have heretofore been pledged by separate ordinances. (1981 code, § 13-104)

18-105. Wastewater and water service charges to be collected together. It is the declared intention that bills for water and wastewater services shall be billed, collected and enforced together, so that when any bill has remained unpaid and become delinquent or any installment due on tapping charges has become delinquent the water service to the delinquent premises can be and will be discontinued and will not be reinstated until the entire bill for both water and wastewater service is paid in full or approved arrangement made with the city. (1981 code, § 13-110)

## CHAPTER 2

WATER

## SECTION

- 18-201. Application and scope.
- 18-202. Definitions.
- 18-203. Obtaining service.
- 18-204. Application and contract for service.
- 18-205. Service charges for temporary service.
- 18-206. Connection charges; responsibility for service lines.
- 18-207. Water main extensions.
- 18-208. Construction fees.
- 18-209. Variances from and effect of preceding rules as to extensions.
- 18-210. Meters.
- 18-211. Meter tests.
- 18-212. Schedule of rates.
- 18-213. Multiple services through a single meter.
- 18-214. Billing.
- 18-215. Discontinuance or refusal of service.
- 18-216. Re-connection charge.
- 18-217. Termination of service by customer.
- 18-218. Access to customers' premises.
- 18-219. Inspections.
- 18-220. Customer's responsibility for system's property.
- 18-221. Customer's responsibility for violations.
- 18-222. Supply and resale of water.
- 18-223. Unauthorized use of or interference with water supply.
- 18-224. Limited use of unmetered private fire line.
- 18-225. Damages to property due to water pressure.
- 18-226. Liability for cutoff failures.
- 18-227. Restricted use of water.
- 18-228. Interruption of service.
- 18-229. Fluoridation of water.

18-201. 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. (1981 code, § 13-201)

18-202. Definitions. (1) "A.W.W.A." means the American Water Works Association.

(2) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(3) "Department" means the City of Springfield Water and Wastewater Department.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Household" means any person or persons living in a residential dwelling.

(7) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(8) "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. (1981 code, § 13-202, modified)

18-203. 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. (1981 code, § 13-203)

18-204. Application and contract for service. Each prospective customer desiring water and/or sewer 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 service, does not take such 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.

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 the provisions of this and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1981 code, § 13-204)

18-205. 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. (1981 code, § 13-205)

18-206. Connection charges; responsibility for service lines. Connection charges shall be made and collected in accordance with such schedule as the Board of Mayor and Aldermen may from time to time prescribe.

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, including the connection to the meter set, shall belong to and be the responsibility of the customer. (1981 code, § 13-206, modified)

18-207. Water main extensions. The design, materials and construction methods for all water main extensions shall be in accordance with the City of Springfield's water system specifications. All water main extensions shall be in conformance with the following policies:

(1) Main extensions of 500 feet or less to developed areas. The provisions of this subsection shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This subsection shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this subsection applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which time prorated amounts of the cash deposit shall also be returned to the depositors.

(2) Main extensions to other areas. The provisions of this subsection shall apply to all areas to which the preceding subsection is not applicable.

(a) Any person desiring to have a water main extended to his or her property shall provide a written petition for the construction of the project to the water and wastewater department. Within ten (10) days of receipt of the petition, the water and wastewater department shall complete a preliminary evaluation and cost estimate of the proposed extension project and shall notify the petitioner(s) or designated representative(s) of the results.

All proposed extension projects shall meet the following criteria:

(i) The number of petitioners per one thousand (1,000) feet of main extension shall be equal to or greater than six (6).

(ii) The total cost does not exceed twenty dollars (\$20.00) per foot.

(iii) There is adequate line or system capacity from the point of connection to the existing system.

(iv) The extension is judged to be operationally feasible.

(b) Should the proposed extension project not meet the criteria set forth in subsections (2)(a)(i) or (2)(a)(ii), the board of mayor and aldermen may, at their discretion, authorize a project if the petitioner(s) agrees to meet any of the following additional criteria:

(i) Make an additional cost contribution at a specified amount per petitioner.

(ii) Contribute labor, equipment, and/or material to offset the cost.

(iii) Enter into an agreement with the water and wastewater department to privately construct the line extension to departmental specifications and, upon completion, dedicate the extension to the city.

(c) After the necessary criteria have been met, the water and wastewater department shall design and construct the line extension.

(d) Any easements or rights-of-way which must be obtained to construct the line extension shall be furnished or paid for by the petitioner(s).

(e) The petitioner(s) shall agree to pay the full cost of the line extension. Upon execution of an agreement with the city, and prior to construction, the petitioner(s) shall pay fifty percent (50%) of the estimated project cost to the city. The balance of the project cost, plus connection fees, shall be paid to the city by the petitioner(s) upon the completion of construction.

(f) Any property owner, other than an original petitioner, who subsequently applies to be served by the line extension within three (3) years of the date that the line is placed into service, shall pay additional tap fees, to be used to reimburse the petitioner(s), according to the following schedule:

(i) First subsequent applicant. Thirty percent (30%) of the original cost.

(ii) Second subsequent applicant. Twenty-five percent (25%) of the original cost.

(iii) Third subsequent applicant. Twenty percent (20%) of the original cost.

(g) If a subsequent property owner proposes to use the line extension financed by the petitioner(s) for multiple connections, the subsequent property owner shall be required to pay his or her appropriate share of the remaining balance of the reimbursement costs described above for each single family equivalent dwelling unit. In no event shall the subsequent property owner pay an amount that would result in reimbursement to the petitioners of more than seventy-five percent (75%)

of the original cost, with the exception that a subsequent property owner having more than three equivalent single family connections shall be required to pay additional tap fees to cover any of the remaining balance that would provide for one hundred percent (100%) reimbursement of the original cost of the line extension project.

(h) Additional tap fees paid to the city in accordance with subsection (2)(f) shall be distributed to the petitioner(s) by the city. The overall cost recovery shall be limited to seventy-five percent (75%) of the line extension cost for individual connections or one hundred percent (100%) of the line extension cost in situations that involve a subsequent property owner who shall require more than three connections. (1981 code, § 13-207, as replaced by Ord. #96-36, § 1, July 1996; replaced by Ord. #98-23, June, 1998)

18-208. Construction fees. The city may construct a water system extension project and charge a construction fee as a condition of connection to the water system in order to recover some or all costs related to the project. A construction fee shall be levied under the following guidelines.

(1) The costs of system improvements shall be established by the total costs of construction.

(2) Each specific system extension project shall have a separate cost of construction calculated for it.

(3) The fee to connect to a city financed line extension project shall be determined by the number of proposed equivalent single family connections (PESFC) to be served in a development divided by the total allowed equivalent single family connection capacity (AESFCC) of the line multiplied by the actual construction cost of the system extension.

Fee = PESFC/AESFCC x Total Construction Costs

(4) All construction fees collected shall be deposited into an escrow fund to pay for the actual construction cost of the water system extension project.

(5) The actual construction cost shall include costs for engineering, right-of-way acquisition, permits, construction and inspection and may include, at the discretion of the board of mayor and aldermen, interest on debt service to repay bonds or loans issued to construct the water system extension project.

(6) The construction fee is to help recover the costs for system extension only. Should the city be required to construct a service connection, the normal service connection fee for water service then in effect shall be charged in addition to the construction fee.

(7) The construction fee for each completed project shall be established by the board of mayor and aldermen by ordinance.

(8) Payment of the construction fee to the city shall be due when connection to the city's water system is requested. (1981 code, § 13-208, modified, as replaced by Ord. #96-36, § 1, July 1996)



18-209. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with sections 18-207 and 18-208, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water main extensions under sections 18-207 and 18-208 is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1981 code, § 13-209, modified)

18-210. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1981 code, § 13-210)

18-211. 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 measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall conform to the current A.W.W.A. standards for that particular size and type of water meter.

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 as prescribed by the Board of Mayor and Aldermen.

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. (1981 code, § 13-211, modified)

18-212. Schedule of rates. All water furnished by the municipality shall be charged for in accordance with such rate schedules as the Board of Mayor and Aldermen may from time to time prescribe. (1981 code, § 13-212)

18-213. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall

be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1981 code, § 13-213)

18-214. Billing. Bills will be rendered monthly and shall be at the location designated by the provider. Failure to receive a bill will not release the customer from payment obligation. Should bills not be paid by the due date specified on the bill, the provider may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. Bills paid after the due date specified on the bill may be subject to additional charges. Should the due date of bill fall on a Saturday, Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears United States Postal Service date stamp of the due date or any date prior thereto. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if service is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

18-215. Discontinuance or refusal of service by distributor. The provider may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The provider may discontinue service to a customer for the theft of service or the appearance of service theft devices on the premises of the customer. The discontinuance of service by the provider for any cause as stated in this rule does not release the customer from his obligation to the provider for the payment of minimum bills as specified in the application of the customer or the contract with the customer.

18-216. Connection, reconnection, and disconnection charges. The provider may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant. (1981 code, § 13-217, modified)

18-217. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least one (1) day 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.

18-218. Access to customers' 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 customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1981 code, § 13-218)

18-219. 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 or to discontinue 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 had such inspection or rejection been made. (1981 code, § 13-219)

18-220. 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 arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1981 code, § 13-220)

18-221. 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. (1981 code, § 13-221)

18-222. Supply and resale of water. All water shall be supplied within the municipality's service area 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. (1981 code, § 13-222)

18-223. Unauthorized use of 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. (1981 code, § 13-223)

18-224. 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. (1981 code, § 13-224)

18-225. Damages to property due to water pressure. The municipality, unless otherwise provided by state or federal law, 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. (1981 code, § 13-225)

18-226. Liability for cutoff 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 cutoff 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 cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that plumbing is properly drained and is kept properly drained, after water service has been cut off. (1981 code, § 13-226)

18-227. 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. (1981 code, § 13-227)

18-228. 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. (1981 code, § 13-228)

18-229. Fluoridation of water. The Water and Wastewater Department of Springfield, Tennessee, is hereby authorized to inject optimum amount of fluorine into the water system of Springfield, Tennessee. (1981 code, § 13-229, modified)

CHAPTER 3

SEWAGE DISPOSAL

SECTION

- 18-301. Definitions.
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- 18-304. Prohibitions and limitations on wastewater discharges.
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18-301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "The Act" means Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, (33 U.S.C. 1251 et. seq.), and subsequent amendments, including the Tennessee Water Quality Control Act of 1977 and all amendments thereto.

(2) "Approval authority" shall mean the Tennessee Department of Environment and Conservation and the Director of the Division of Water Resources and his/her representative(s).

(3) "Best Management Practices (BMPS)" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 1200-4-14-.05(1)(a) and (2). BMPS also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials' storage.

(4) "BOD (denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under

standard laboratory procedures in five (5) days at twenty degrees Centigrade (20° C), expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(5) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

(6) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(7) "Categorical pretreatment standard" or "categorical standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act that apply to specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471, and Tennessee Rule 1200-4-14-.06.

(8) "Categorical industrial user" shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

(9) "City" shall mean the City of Springfield, the board of mayor and aldermen, the city manager and other city personnel based on job description and responsibilities.

(10) "COD" (denoting Chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(11) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(12) "Compatible pollutant" shall mean such pollutants as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants as are now and may be in the future specified and controlled in the city's NPDES permit for its sewer treatment works where said works have been designed and used to reduce or remove such pollutants.

(13) "Director" shall mean the director of the Springfield Water and Wastewater Department.

(14) "EPA" shall mean the Environmental Protection Agency, an agency of the United States, or, where appropriate, the term may be used as a designation for the administrator or other duly authorized official of said agency.

(15) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

(16) "Grab sample" shall mean a single sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(17) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(18) "Indirect discharge" means the introduction of pollutants into a POTW from any non-domestic source.

(19) "Industrial user" shall mean a source of indirect discharge.

(20) "Industrial wastes" shall mean the liquid wastes and solid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(21) "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

(22) "Local limit" shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Pretreatment Rule 1200-4-14-.05(1)(a) and (2).

(23) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality and quantity.

(24) "National Pollutant Discharge Elimination System (NPDES) permit" shall mean a permit for treated wastewater discharge issued to the city pursuant to section 402 of the Act.

(25) "National pretreatment standard" or "pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Pretreatment Rule 1200-4-14-.05.

(26) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(27) "New source shall mean:

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing



plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing processes or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(28) "North American Industry Classification System (NAICS)" shall mean a classification pursuant to the North American Industry Classification System manual as issued by the Executive Office of the President, Office of Management and Budget, 1997, as revised in 2002 and 2012.

(29) "Pass-through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(30) "Person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(31) "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

(32) "Pollutant" shall mean dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological

materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(33) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(34) "Pretreatment facility" or "pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 1200-4-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surge or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 1200-4-14-.06(5).

(35) "Pretreatment requirement" shall mean any substantive or procedural requirement related to pretreatment other than a national pretreatment standard, imposed on an industrial user.

(36) "Process wastewater" shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(37) "Public sanitary sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the city.

(38) "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by section 212 of the Act, which is owned by the City of Springfield. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(39) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operations and maintenance" includes replacement.

(40) "Sample collection and test procedures:"

(a) Sample collection and procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304(h) of the Clean Water Act, as amended, under which such procedures may be required.

(b) Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in title 40, CFR part 136 per Tennessee Rule 1200-4-14-.12(7)(c) and (e).

(41) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(42) "Sanitary wastewater" shall mean liquid wastes discharged from: the sanitary conveniences at dwellings (including apartment houses and motels), office buildings, industrial plants, or institutions and from the non-commercial preparation, cooking and handling of food, as distinct from industrial wastes.

(43) "Sewage" or "wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(44) "Sewer" shall mean a pipe or conduit for carrying sewage.

(45) "Significant noncompliance" shall mean any user violations which meet one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 1200-4-14-.03(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 1200-4-14-.03(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule.

(c) Any other violation of a pretreatment standard or requirement as defined by 1200-4-14-.03 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subpart (6)(a)6(ii) of this rule to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control

mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(46) "Significant user" shall mean:

(a) Except as provided in subsections (b) and (c) of this definition, the term significant industrial user means:

(i) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non contact cooling and boiler blowdown wastewater); 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; or is designated as such by the POTW on the basis that the industrial use has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 1200-4-14-.08(6)(f).

(b) The city may determine that an industrial user subject to categorical pretreatment standards under 1200-4-14-.06 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant categorical industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submit the certification statement required in 1200-4-14-.12(17) together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(c) Upon a finding that an industrial user meeting the criteria in part (a)(ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard 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 1200-4-14-.08(6)(f), determine that such industrial user is not a significant industrial user.

(47) "Slug discharge" or "slug load" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

(48) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water; an NPDES permit is required by state law and city ordinance prior to any discharge to a storm drain or any natural outlet.

(49) "Suspended solids" shall mean the total suspended matter that is in suspension or floating on the surface in water, sewage, or other liquids, and which is removable by laboratory filtering, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(50) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(51) "Twenty-four (24) hours, 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 sample are proportionate to the flow to combine to form a representative sample.

(52) "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(53) "Useful life" shall be the estimated period during which a treatment works will be operated.

(54) "User" shall mean any individual, firm, company, association, society, corporation or group.

(55) "User charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

(56) "Wastewater treatment works" shall mean all facilities for collecting, pumping, treating and disposal of sewage.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013)

18-302. Requirements for proper sewage disposal. (1) Disposal of human and animal excrements. It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Springfield or any area under the jurisdiction of the said city, any human or animal excrement, garbage, or other objectionable wastes.

(2) Discharge of sewage or polluted waters. It shall be unlawful to directly discharge to any natural outlet within the City of Springfield or in any area under the jurisdiction of the said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and a valid NPDES permit issued by the State of Tennessee.

(3) Septic tank, cesspool, privy vault, and privy construction. Except as hereafter provided, 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) Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, state, and federal law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available.

(5) Requirement for toilet facilities. The owner of any house, building or property used for human occupancy, employment, or recreation is, at his own expense, required to install suitable toilet facilities and to connect those facilities to a properly operated public or private sewage disposal system.

(6) Availability of public sanitary sewers. A public sanitary sewer that is located in any street, alley, right-of-way or easement is considered to be available to any property that abuts that street, alley, right-of-way, or easement. This definition shall apply to any such public sanitary sewer that currently exists and to any public sanitary sewer that may be installed in the future.

(7) Connection to available public sanitary sewer. (a) The owner of any property that has a building with suitable toilet facilities, and where a public sanitary sewer is available, shall connect the building's sewer system to the public sanitary sewer if any part of the building is not more than one hundred fifty feet (150') (in a straight line) from any part of the public sanitary sewer, provided that:

(i) The distance provision is applicable even if the public sanitary sewer is a low-pressure sewer. In that case, the owner/occupant shall pay for the purchase and installation of a low-pressure pumping system that meets the requirements of the SWWD. Upon installation of the low-pressure pumping system, that low-pressure pumping system shall become property of the City of Springfield. The owner/occupant shall be responsible for providing electrical power to the low-pressure pumping system and the SWWD shall be responsible for operating and maintaining the low-pressure pumping system; and

(ii) The owner/occupant of the building or the property pays all applicable sewer tap fees, sewer connection fees and sewer capacity fees; and

(iii) The owner or occupant pays the subsequent monthly sewer user fee; and

(iv) The service lateral from the building to the public sanitary sewer is connected in compliance with the applicable plumbing code and other requirements of the City of Springfield.

(b) In any case where the public sanitary sewer is available to a property and that property has a building (with suitable toilet facilities) which is more than one hundred fifty feet (150') away from the public sanitary sewer, and the owner or occupant of the property has chosen to not connect the building sewers with the public sanitary sewer, the owner or occupant is required to pay the appropriate monthly sewer user fee as if the building was actually connected to the public sanitary sewer.

(c) When either the Robertson County Health Department of an appropriate State of Tennessee agency, or the director determines that the operation of a private sewage disposal system poses a potential or actual threat to public health or to the environment and if that private sewer system is located on property to which a public sanitary sewer is available, the owner or occupant of the property, as appropriate, will be notified by the director that the owner or occupant shall be required to connect the building sewer to the public sanitary sewer and to discontinue to operate the private sewage disposal system. The notification by the director shall be in writing, by certified mail, return receipt requested, and shall specify that the connection to the public sanitary sewer shall be accomplished in a time frame that is not to exceed ninety (90) calendar days.

(d) Any property inside the city limits of Springfield, which is to be subdivided into two (2) or more parcels, and to which public sanitary sewer is available to any portion of that property, shall, at the property owner's or developer's expense and in compliance with all appropriate City of Springfield sewer construction practices, be provided with sanitary sewer facilities to all parts of the property. This provision

applies if the sewers consist of any combination of gravity sewers and/or a grinder pump system. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013, and amended by Ord. #13-28, Feb. 2014)

18-303. Building sewer permits and proper connections. (1) Sewer connections. No unauthorized user 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 general manager.

(2) Plumbing permit required. Certain types of work, as specified by the City of Springfield plumbing code, which involve the installation or modification of a building sewer system shall require the owner or owner's agent to obtain a plumbing permit from the city prior to the commencement of the work. The owner or owner's agent shall make application for a plumbing permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the director.

(3) Cost of sewer connection. All costs and expenses incidental 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.

(4) Users per connection. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another or any interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Use of existing sewer connection. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the water/wastewater utilities director or representative, to meet all requirements of this chapter.

(6) Design consideration for building sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

(b) The minimum depth of a building sewer shall be eighteen inches (18").

(c) At every ninety (90) turn of the sewer line, a manhole is required.

(d) Four inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.



(e) Slope and alignment of all building sewers shall be neat and regular.

(f) Buildings sewers shall be constructed only of:

(i) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(ii) Cast iron soil pipe with compression joints (no lead joints);

(iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or

(iv) Such other materials of equal or superior quality as may be approved by the director. Under no circumstances will leaded or cement mortar joints be acceptable.

(g) A cleanout shall be located five feet (5') outside of the building, one (1) as it taps onto the utility lateral and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished-grade level directly above the place where the cleanout is installed. Alternatively, if the owner desires, the cap of the cleanout can be lower than the finished grade, but only if it is enclosed in a box that is approved by the director. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. If the owner so desires, he can use a "double sweep" cleanout. Cleanouts shall not be smaller than four inches (4") on a four inch (4") pipe.

(h) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or installing a tee-saddle or tee-insert of a type approved by the director or representative. All such connections shall be made gastight and water-tight. On all new connections to the public sanitary sewer, a "double sweep" cleanout shall be installed on the service lateral at the property line. The owner shall extend the building sewer to this cleanout.

(i) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one hundred eighteen inch (118") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to

the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(j) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation (WEF) Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the director or representative before installation.

(k) An installed building sewer shall be gas tight and water tight.

(7) Maintenance of building sewer. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the city.

(8) Illegal connections. No user shall make connection of roof downspouts, exterior foundation drains, areaway drains, building sump pumps, or other sources of uncontaminated surface runoff or groundwater to building sewer or building which in turn is connected directly or indirectly to a public sanitary sewer.

(9) Design considerations for connecting building and public sewers. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the WEF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(10) Inspection of building sewers. The applicant for the building sewer permit shall notify the director or his representative when the building is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the director or his representative, the plumbing inspector for the City of Springfield, Tennessee.

(11) Excavation. All excavations 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. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013, and amended by Ord. #14-05, June 2014)

18-304. Prohibitions and limitations on wastewater discharges.

(1) Wastes excluded from discharge into the public sanitary system. All industrial users shall be subject to "National Pretreatment Standards: prohibited discharges" as detailed in federal regulation 40 CFR, part 403.5. In addition, no user shall discharge or allow to be discharged into the sewerage work any of the following materials:

(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 as are specifically designated as storm sewers, or to a natural outlet approved by the Division of Water Resources, Department of Environment and Conservation, State of Tennessee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Division of Water Resources, Department of Environment and Conservation, State of Tennessee, to a storm sewer, or natural outlet with NPDES permit required.

(b) Solid or viscous waters. Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, uncomminuted garbage, animal guts or tissues, paunch manure, cannery wastes, bones, hair, hides or fleshings, entrails, whole blood, feathers, bulk solids, 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, painting residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works 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 over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Controlled materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(d) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

(e) Corrosive wastes. Any waste which will cause corrosion or deterioration of the wastewater treatment works. All wastes discharged

to the public sanitary sewer system must have a pH value in the range of five (5) to nine (9) standard units. 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.

(f) Oils and grease. Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty degrees (150°) Fahrenheit (0° and 65° C).

(g) 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 may be sufficient to prevent entry into a sewer for its maintenance and repair.

(h) Discolored materials. Wastes with objectionable color such as dye waste and any other wastes which cause or may cause a change in the color of the receiving stream.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.

(j) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders 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.

(k) High temperature wastes. Any liquid or vapor having a temperature higher than one hundred four degrees Fahrenheit (104° F), forty degrees Centigrade (40° C).

(l) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) using the test methods specified in federal regulation 40 CFR 261.21. Prohibited substances include, but are not limited to, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(m) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(n) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(o) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(p) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(2) Limitation on wastewater discharges. No person shall discharge or convey, or permit, or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Require unusual attention or expense to handle at the wastewater treatment facilities.

(b) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 1200-1-11, per Tennessee Rule 1200-4-14-.12(16).

(c) Violate national pretreatment standards as promulgated by the EPA with appropriate effective dates.

(d) Cause the treatment plant to experience problems with unit operations, sludge handling and disposal options or compliance with its NPDES permit limitations. Concentrations shall not exceed any applicable categorical standards, any local limits or cause the headworks loading at the POTW to exceed the current protection criteria for the POTW influent as detailed in Table I "Protection Criteria for POTW Influent," as follows:

TABLE I

## PROTECTION CRITERIA FOR WWTP INFLUENT

## Incompatible Pollutants

Parameter	Limiting Influent Concentration (mg/l)
arsenic	0.1
barium	0.1
cadmium	0.0147
chromium, trivalent	0.163
chromium, hexavalent	0.87
chromium, total	0.250
copper	0.188
cyanide	0.017
lead	0.050
mercury	0.00043
methylene chloride	0.096
nickel	0.250
pesticides	BDL*
phenols	0.455
silver	0.029
zinc	0.290

\*BDL = below detectable limits

(e) Additional constituents shall be added as needed to protect the treatment works.

(f) Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.

(g) "Slugs" as defined in § 18-301, shall be avoided and must be reported.

(h) Wastewater discharges which substantially differ in nature or constituents from the user's average discharge shall be prohibited unless prior approval is obtained, in writing, from the industrial pretreatment coordinator. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-305. User compliance with wastewater discharge permit system.

(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 of 1972 (FWPCA) as amended, and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, and contain the substances or possess the characteristics enumerated in § 18-304 or the criteria established by the federal government on discharge of toxic and hazardous materials or violates the treatment facilities protection criteria and which in the judgment of the industrial pretreatment coordinator and/or the Division of Water Resources, Tennessee Department of Environment and Conservation, 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 industrial pretreatment coordinator shall:

(a) Require a "significant user discharge permit" as described in § 18-306 of this chapter.

(b) Prohibit the discharge of such wastewater; this includes the right to disconnect the user's connection with the public sanitary sewer system in § 18-309(2).

(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 industrial pretreatment coordinator, 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 director and meet all requirements detailed in the city's "Fats, Oils and Grease Management Program."

(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, and the cost of discovering any violations specifically including laboratory fees.

(g) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the director and/or industrial pretreatment coordinator or representatives of the Tennessee Department of Environment

and Conservation and/or EPA, upon the presentation of credentials, may be permitted to 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 director, and/or industrial pretreatment coordinator or either's representative may enter upon the property at any hour under emergency circumstances.

(3) Personal injury. While performing the necessary work on private properties referred to in this chapter, the industrial pretreatment coordinator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by community employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(4) Protection from accidental discharge. Each user shall provide protection from accident 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 submitted to the industrial pretreatment coordinator for review, and shall be approved by him before construction of the facility, except as provided in the "significant user 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. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 1200-4-14-.05(2). If for any reason a facility does not or is unable to comply with any prohibition or limitations in this ordinance or the user's permit, the facility will immediately notify the industrial pretreatment coordinator and/or the operator on duty at the wastewater treatment plant so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the industrial pretreatment coordinator 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 facility within five (5) days of the



occurrence of the noncomplying discharge. Permanent notices shall be posted by users informing employees of the duty to report and the person to whom accidental discharges should be reported.

(6) Baseline monitoring reporting requirements for industrial uses. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or within one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 1200-4-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the city a baseline monitoring report which contains the information listed in subsections (6)(a) through (g) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to city a baseline monitoring report which contains the information listed in subsections (6)(a) through (e) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (6)(d) and (e) of this section:

(a) Identifying information. The user shall submit the name and address of the facility including the name of the operators and owners.

(b) Permits. The users shall submit a list of any environmental control permits held by or for the facility.

(c) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined waste stream formula of 1200-4-14.06(5). (See subsection (6)(e)(iv) of this section.) The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurements of pollutants. (i) The user shall identify the pretreatment standards applicable to each regulated process;

(ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or city) of regulated pollutants in the discharge from each regulated process. Both daily

maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard;

(iii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section;

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 1200-4-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 1200-4-14-.06(5) this adjusted limit along with supporting data should be submitted to the city.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in federal regulation 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

(vi) The city may allow the submission of a baseline monitoring report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(vii) The baseline monitoring report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in subsection (12) of this rule) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not,

whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(g) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard:

(i) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (1200-4-14-.07), the combined waste stream formula (1200-4-14-.06(5)), and/or a fundamentally different factors variance (1200-4-14-.13) at the time the user submits the report required by subsection (2) of this rule, the information required by subparagraphs (f) and (g) of this paragraph shall pertain to the modified limits.

(ii) If the categorical pretreatment standard is modified by a removal allowance (1200-4-14-.07), the combined waste stream formula (1200-4-14-.06(5)) and/or a fundamentally different factors variance (1200-4-14-.13) after the user submits the report required by subsection (2) of this rule, any necessary amendments to the information requested by subsections (f) and (g) of this section shall be submitted by the user to the city within sixty (60) days after the modified limit is approved.

(7) Reporting of self-monitoring. (a) Monitoring results obtained by significant industrial users shall be summarized and reported on business letterhead to the city two (2) times per year. Reports are due on the 15th of March and September.

(b) The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the calendar period preceding the submission of each report, including maximum and average daily flows.

(c) If the permittee monitors any pollutant more frequently than required by their permit, using test procedures prescribed in 40 CFR 136 or amendments thereto, or otherwise approved by EPA or as specified in their permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported to the city. Such increased sampling shall be indicated in the semiannual report.

(d) Each report shall include a statement of certification and shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(6)(i).

(8) Reporting of changed conditions. All industrial users shall promptly notify the city's industrial pretreatment coordinator in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 1200-4-14-.12(16).

(9) Sampling violations. If sampling performed by an industrial user indicates a violation, the user shall notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Re-sampling is not required if:

- (a) The city performs sampling at the industrial user at a frequency of at least once per month; or
- (b) The city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-306. Significant user discharge permit system. (1) Wastewater discharge permits required. All significant users (as defined in § 18-301) proposing to connect to or discharge into any part of the public sanitary sewer system must first obtain a discharge permit. All existing major users connected to or discharging to any part of the city public sanitary sewer system must obtain a wastewater discharge permit at the expiration of its prior permit. The director has final authority on who qualifies as a "significant user."

(2) Permit application. Users seeking a wastewater discharge permit shall complete and file with the industrial pretreatment coordinator an acceptable application. The user shall submit the following information:

Note: The industrial pretreatment coordinator may, on a case-by-case basis, either require additional information or delete certain requirements at his discretion based on the overall operation of the city system.

- (a) Name, address, and NAICS number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to, those set forth in § 18-304 and Table I of this chapter, 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 plans and specifications;
- (e) Average and 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; a complete inventory list of all chemicals; copies of all material safety data sheets;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Other information that may be defined by the industrial pretreatment coordinator for reasonable evaluation of the permit application;

(k) The receipt by the city of a prospective customer's application for significant user 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 applicant for such service.

(l) In addition, the following EPA policy concerning "confidentiality" shall apply (40 CFR 403.14): "(a) EPA authorities. In accordance with 40 CFR part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (public information); (b) Effluent data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction; (c) State or POTW. All other information which is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302."

(m) 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 in accordance with this regulation.

(3) Permit conditions will include the following:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(b) Effluent limits including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, state and local law.

(c) Limits on rate and time of discharge or requirements for flow regulators and equalizations;

(d) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs; the location of facilities and type of facilities to be approved by the industrial pretreatment coordinator.

(e) The reports required by § 18-305(6) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The city shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate.

(f) Requirements for maintaining and submitting discharge reports and plant records relating to wastewater discharges; users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or

methods used; and the results of such analyses. These records shall remain available for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(g) 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;

(h) Compliance schedules;

(i) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(j) Requirements to control slug discharge, if determined by the director to be necessary.

(k) Other conditions to ensure compliance with this chapter.

(4) Duration of permits. (a) A permit shall be valid for not more than five (5) years unless processing changes are made that, as determined by the industrial pretreatment coordinator, alter the wastewater constituents and characteristics significantly. The industrial pretreatment coordinator shall be notified of any planned significant process changes in order to make such determinations. The terms and conditions of the permit may be subject to modification by the industrial pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists.

(b) The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The discharge permit will be evaluated by the industrial pretreatment coordinator ninety (90) days prior to the expiration date. The industrial user shall apply for a new permit with said application to be made at least sixty (60) days prior to the expiration of any existing permit.

(5) Transfer a permit. A significant user discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or sold to a new owner, new user, different premises, or a new changed operation.

(6) Cause for enforcement action. Violations subjecting a user to possible revocation of his permit or enforcement action include but are not limited to the following:

(a) Failure to apply for permit;

(b) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(c) Obtaining a permit by misrepresenting or failing to disclose fully all relevant facts;

(d) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(e) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(f) Violation of terms and conditions of the permit.

(7) Compliance schedules. The city shall have the authority to issue and enforce compliance schedules setting dates and times in which an industrial user shall come into compliance with the terms set forth in the industrial user permit in accordance with 40 CFR 403.8(f)(1)(iv) and 403.12(c).

(8) Public participation. The city shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the city, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial uses (or any other industrial user that violates subsections (c), (d), or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease; and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, along or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual



wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation or group of violations, which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(9) Permit appeal procedure. A significant user 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 significant user seeking an appeal hearing, shall be delivered by registered mail to the director. The notice should outline the permit provisions which the user wishes to appeal. Within thirty (30) days a hearing shall be conducted before the hearing authority (§ 18-308(1)) and all grievances alleged by the user shall be discussed, and appropriate decisions rendered. Exemptions or variances of the protection criteria established for the city system shall not be granted during this appeal procedure unless such variance cannot cause the city to violate its NPDES permit. Said variance, if granted is only effective during pendency of said appeal.

(b) Nothing in this section shall affect a person's right to appeals provided by state law. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-307. Charges and fees (user charge system). (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of Springfield which will enable it 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 cost of operating and maintaining adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the City of Springfield. These charges and fees shall be recovered through the user classification established below.

(2) Classification of user. All users shall be classified by the water/wastewater utilities manager either by assigning each one to a "user

classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulations of wastewater discharge based on wastewater constituents and characteristics.

(3) Types of charges and sewer fees. The charges and fees as established in treatment works schedule of charges and fees, may include, but not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by user;
- (c) Fees for permit applications;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;
- (g) Fees for holding tank wastes.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
ammonia-N	30 milligrams per liter
suspended solids	300 milligrams per liter
fats, oil and grease	100 milligrams per liter

The charges and fees for all classifications of users other than the domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, TSS, ammonia as N, TKN, chlorine demand, and volume.

(5) User charges. Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of "normal wastewater."

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of Operations and Maintenance (O&M) including replacement for handling its periodic volume of "normal wastewater."

(a) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t \times (V_u)}{V_t}$$

Where:  $C_u$  = User's charge for O&M per unit of time  
 $C_t$  = Total O&M cost per unit of time  
 $V_t$  = Total volume contribution from all users per unit of time  
 $V_u$  = Volume contribution from a user per unit of time

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(b) Surcharges. The surcharges will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD, suspended solids, and/or other elements in "normal wastewater" as defined by subsection (4). The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] V_u$$

Where:  $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.  
 $B_c$  = O&M cost for treatment of a unit of BOD expressed in dollars per pound.  
 $B$  = Concentration of BOD from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.  
 $S_c$  = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.  
 $S$  = Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.  
 $P_c$  = O&M cost for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.

P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the director.

Vu = Volume contribution of a user per billing period (expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the director is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(6) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(7) Biennial review of operation and maintenance charges. The City of Springfield shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall review the charges for users or user classes to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein; and

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works.

(8) Appeal procedure. A user shall have the right to appeal any and all charges and fees assessed against them. The procedure shall be as follows:

A written notice, signed by the user seeking an appeal hearing, shall be delivered by registered mail to the director, outlining the fees and charges which the user wishes to appeal. Within thirty (30) days a hearing shall be conducted before the hearing authority (§ 18-308(1)) and all grievances alleged by the user shall be discussed and appropriate decisions rendered.

Nothing in this section shall affect a person's right to appeals provided by state law.

(9) Wastewater characteristics. The wastewater characteristics of each significant user shall be determined by monitoring or, where monitoring is not feasible, wastewater characteristics may be estimated using historical records, data from similar users, etc. After initiation of the charges and fee system, significant users shall be monitored on a regular basis, not less often than annually. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-308. Hearing authority. A hearing authority shall be comprised of three (3) members consisting of the mayor or his/her board appointee, the city

manager, and the city attorney; a quorum shall be defined as two (2) persons present. A hearing held before the hearing authority shall be held pursuant to Tennessee Code Annotated, § 69-3-101, et seq., and in conformity with the provisions of this chapter. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-309. Pretreatment enforcement--procedure--complaints--administrative orders. (1) Whenever the industrial pretreatment coordinator has reason to believe that a violation of any provision of this chapter, of any valid industrial user discharge permit, or orders of the hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the industrial pretreatment coordinator may cause a written complaint to be served upon the alleged violator or violators.

The complaint shall specify the provision or provisions of the chapter, permit, or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the hearing authority.

Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the hearing authority, no later than thirty (30) days after the date such order is served; provided, however, that the hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Whenever the industrial pretreatment coordinator finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the publicly owned treatment works of the city, the director may without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency including the right to discontinue water and sewer service.

If the violator fails to respond or is unable to respond to the director's order, the director may take such emergency action as he deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The director may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this part may be served on any person affected thereby personally, by the industrial pretreatment coordinator or any person designated by him, or such services as may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the director.

Whenever feasible, a pre-termination notice and hearing will be provided to the affected party or parties and in emergency situation as expedited post-termination hearing shall be provided per § 18-310(1)(i). (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-310. Pretreatment enforcement--hearings. (1) Any hearing or rehearing brought before the hearing authority shall be conducted in accordance with the following:

(a) Upon receipt of a written petition from the alleged violator pursuant to this section, the director shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the director and the petitioner agree to a postponement.

(b) The hearing herein provided may be conducted by the hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting in order to conduct the hearing herein provided.

(c) A verbatim record of the proceedings of such hearings shall be taken and filed with the hearing authority, together with the findings of fact and conclusions of law made pursuant to this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the director to cover the costs of preparation.

(d) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.

(e) Any member of the hearing authority may administer oaths and examine witnesses.

(f) Any party including the director or his representative may examine witnesses.

(g) On the basis of the evidence produced at the hearing, the hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and ordinance and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairman.

(h) The decision of the hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (2).

(i) Any person to whom an emergency order is directed pursuant to § 18-309 shall comply therewith immediately but on petition to the hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the hearing authority.

(2) An appeal may be taken from any final order or other final determination of the hearing authority by any party, including the city, who is or may be adversely affected thereby, to the chancery court of Robertson County pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date of such order or determination is made. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-311. Pretreatment enforcement--violations--civil penalty. (1) Any person including, but not limited to, industrial users, who does any of the following acts or omission shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation, per day for each day during which the act or omission continues or occurs:

(a) Violates an effluent standard or limitation imposed by ordinance.

(b) Violates the terms or conditions of a permit issued pursuant to the ordinance.

(c) Fails to complete a filing requirement of the ordinance.

(d) Fails to allow or perform an entry inspection, monitoring or reporting requirement of the ordinance.

(e) Fails to pay user or cost recovery charges imposed.

(f) Violates a final determination or order of the hearing authority or the industrial pretreatment coordinator.

(2) Any civil penalty shall be assessed in the following manner:

(a) The director may issue an assessment against any person or industrial user responsible for the violation. If such an assessment is levied, a citation and supporting documentation shall be forwarded to the city manager immediately.

(b) Any person or industrial user against whom assessment has been issued may secure a review of such assessment by filing with the city manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the hearing authority and if a petition for review of the assessment is not filled within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(c) Whenever any assessment has become final because of a person's failure to appeal the director's assessment, the attorney for the City of Springfield may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall

treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(d) In assessing the civil penalty the director shall consider the following factors:

(i) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(ii) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(iii) Cause of the discharge or violations;

(iv) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality of the receiving stream;

(v) Effectiveness of action taken by the violator to cease the violation;

(vi) The technical and economic reasonableness of reducing or eliminating the discharge;

(vii) The economic benefit gained by the violator;

(viii) Potential for harm from the discharge or violation;

(ix) The seriousness and extent of the violation;

(x) Good faith efforts to comply;

(xi) The degree of cooperation/non-cooperation;

(xii) Actual knowledge of the violation or degree of negligence/willfulness;

(xiii) History of compliance or non-compliance;

(xiv) Ability to pay;

(xv) Other unique factors specific to the violator or case (including strength of case and competing policy concerns).

After consideration of the above factors, the pre-treatment response plan as outlined in § 18-314 shall be used as a guide for the assessment of penalties and/or any enforcement actions.

(e) The attorney for the city may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the city upon request by the director.

(3) The hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the director for certain specific violations of categories of violations.

Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the State of Tennessee for violation



of § 69-3-115(a)(1)(F). Provided, however, the sum of penalties imposed by this section and by section § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(a) A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit (or a general permit), or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine and/or imprisonment to the maximum extent allowable by state law.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine and/or imprisonment to the maximum extent allowable by state law. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, (or general permit), or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of the maximum fine allowable under state law per violation, per day, and/or imprisonment to the maximum extent allowable by state law.

(d) In the event of a second conviction, a user shall be punished by the maximum fine allowable under state law per conviction, per day, and/or imprisonment to the maximum extent allowable by state law. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-312. Pretreatment enforcement--assessment for noncompliance with program permits or orders. (1) The director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person's or significant user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.

(2) If an appeal from such assessment is not made to the hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

(3) Damages may include any expenses incurred in investigating and enforcing the chapter in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by pollution or violation.

(4) Whenever any assessment has become final because of a person's failure to appear within the time provided, the attorney for the City of Springfield may apply to the appropriate court for a judgment and seek execution on such judgment. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-313. Additional penalties. (1) The director shall have the authority to discontinue water and sewer service to those users that persistently violate any requirements of this chapter.

(2) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage incurred by the city by reason of such violation.

(3) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. All violators will be subject to civil and criminal prosecution. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013)

18-314. Sewer main extensions. All sewer main extensions shall be in conformance with the following policies:

(1) Main extensions to developed areas. The provisions of this subsection shall apply only to sewer main extensions of five hundred feet (500') or less to areas where there is a demand for sewer service by the occupants of existing houses. This subsection shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed sewer main extension of the character to which this subsection applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one (1) minimum monthly bill for each one hundred feet (100'), or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the sewer main extension, such persons shall pay sewer bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly sewer bills shall have been assumed by other persons acceptable to the municipality at which time pro rata amounts of the cash deposit shall also be returned to the depositors.

(2) Main extensions to other areas. The provisions of this subsection shall apply to all areas to which the preceding subsection is not applicable. Customers desiring sewer main extensions pursuant to this subsection must pay all of the cost of making such extensions.

For installations under this or the preceding subsection, design, materials, and construction method shall be in accordance with the department's water system and sewer system specifications. All such lines shall be installed by the builder or developer. By special agreement, main extensions may be installed by municipal forces or by forces working under the direct supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate such mains as an integral part of the municipal sewer system and shall furnish sewer therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (as added by Ord. #96-35, July 1996, and replaced by Ord. #13-13, Nov. 2013)

18-315. Construction fees. The city may construct a sewer system extension project and charge a construction fee as a condition of connection to the sewer system in order to recover some or all costs related to the project. A construction fee shall be levied under the following guidelines:

(1) The costs of system improvements shall be established by the total costs of construction.

(2) Each specific system extension project shall have a separate cost of construction calculated for it.

(3) The fee to connect to a city-financed line extension project shall be determined by the number of Proposed Equivalent Single Family Connections (PESFC) to be served in a development divided by the Total Allowed Equivalent Single Family Construction Capacity (AESFCC) of the line multiplied by the actual construction cost of the system extension.

$$\text{Fee} = \text{PESFC/AESFCC} \times \text{total construction costs}$$

(4) All construction fees collected shall be deposited into an escrow fund to pay for the actual construction cost of the sewer system extension project.

(5) The actual construction cost shall include costs for engineering, right-of-way acquisition, permits, construction and inspection and may include, at the discretion of the board of mayor and aldermen, interest on debt service to repay bonds or loans issued to construct the sewer system extension project.

(6) The construction fee is to help recover the costs for system extension only. Should the city be required to construct a service connection, the normal service construction fee for sewer service then in effect shall be charged in addition to the construction fee.

(7) The construction fee for each completed project shall be established by the board of mayor and aldermen by ordinance.

(8) Payment of the construction fee to the city shall be due when connection to the city's sewer system is requested. (as added by Ord. #96-35, July 1996, and replaced by Ord. #13-13, Nov. 2013)

18-316. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is in the best interest of the sewer system to construct a sewer main extension without requiring strict compliance with §§ 18-314 and 18-315, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make sewer main extensions under §§ 18-314 and 18-315 is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (as added by Ord. #96-35, July 1996, as replaced by Ord. #13-13, Nov. 2013)

18-317. Pretreatment enforcement response plan. Under state and federal statutes, the City of Springfield must establish an Enforcement Response Plan (ERP) approved by the Tennessee Department of Environment and Conservation.

The ERP outlines the steps to be taken to enforce the provisions of this chapter. All enforcement actions will be taken in accordance to the provisions set forth in the plan.

Upon approval of the Tennessee Department of Environment and Conservation, the ERP shall be enforceable under this section of this chapter. (as added by Ord. #13-13, Nov. 2013)

18-318. Fats, oils and grease management plan. The City of Springfield pretreatment program is required by the Environmental Protection Agency and the State of Tennessee Department of Environment and Conservation to develop a Fats, Oils and Grease (FOG) management program and a FOG Enforcement Response Plan (ERP). The FOG management plan provides protection for the city's wastewater collection and treatment systems. The objective of the FOG management plan includes, but is not limited to:

(1) Minimize introduction of fats, oils and grease into the collection system;

(2) Development and implementation of a discharge permit system for FOG-generating Food Service Establishments (FSEs);

(3) Provide effective means of interception of FOG through proven effective FOG interceptors and FOG recovery units;

(4) Provide FOG generator with best management practices that can be used to minimize the introduction of FOG into the public sanitary sewer system;

- (5) Provide FSEs with information on the various types of fog removal devices;
- (6) Provide for regular inspections of FSE FOG removal devices;
- (7) Educate FSE personnel about the need to minimize FOG from entering the public sanitary sewer system;
- (8) Utilize a manifest system to track the removal and disposal of FOG that is removed from FSEs; and
- (9) Take appropriate enforcement action against non-complying FSEs.

Noncompliance with this FOG program will result in enforcement actions as outlined in the City of Springfield FOG ERP.

Upon approval of the FOG management program by the Tennessee Department of Environment and Conservation, the director shall begin implementation of the various appropriate provisions of the FOG management program and the FOG ERP. (as added by Ord. #13-13, Nov. 2013)

18-319. Savings clause. If any provisions, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect. (as added by Ord. #13-13, Nov. 2013)

## CHAPTER 4

STORM SEWER USE

## SECTION

- 18-401. Definitions.
- 18-402. Requirements for proper storm drain disposal.
- 18-403. Storm sewer permits and proper connections.
- 18-404. Limitations.
- 18-405. User compliance.
- 18-406. Permits.
- 18-407. Enforcement procedure and penalties

8-401. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "The Act" or "Acts" means Federal Water Pollution Control Act Amendment of 1972 (33 U.S.C. 1251 et seq.), and subsequent amendments to the Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal .

(4) "City" shall mean the City of Springfield or Board of Mayor and Aldermen.

(5) "City judge" means that person appointed by the Springfield City Board of Mayor and Aldermen to constitute City Court and to try all persons charged with violation of the ordinances of the city.

(6) "Director" shall mean the Director of Public Works of the City of Springfield, his authorized deputy agent or representative.

(7) "Industrial wastes" shall mean the liquid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(8) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(9) "Owner" shall mean the title owner to real property except in those cases where the Springfield Industrial Development Corporation is the title owner; in those cases Owner shall mean the Lessee or occupant of the premises.

(10) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or the legal representatives,

agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(11) "Pollution" means such alteration of the physical, chemical, biological, bacteriological, or radiological properties of the waters of this state including but not limited to changes in temperature, taste, color, turbidity, or odor of the waters:

(a) As will result or will likely result in harm, potential harm or detriment of the public health, safety, or welfare;

(b) As will result or will likely result in harm, potential harm or detriment to the health of animals, birds, fish, or aquatic life;

(c) As will render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or

(d) As will leave or will likely leave the waters in such condition as to violate any standards of water quality established by the Water Quality Control Board of the State of Tennessee, the Federal Government or the Director.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(13) "Sanitary wastewater" shall mean liquid wastes discharges from: the sanitary conveniences at dwellings (including apartment houses and motels), office buildings, industrial plants, or institutions and from the non-commercial preparation, cooking and handling of food, as distinct from industrial wastes.

(14) "Sewer" shall mean a pipe or conduit for carrying sewage.

(15) "Shall" is mandatory; "May" is permissive.

(16) "Storm drain" (sometime termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(17) "User" shall mean any individual, firm, company, association, society, corporation or group.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. # 87-04, modified)

18-402. Requirements for proper storm drain disposal. (1) Discharge of sewage or polluted waters. It shall be unlawful to directly discharge to any natural outlet within the City of Springfield or in any area under the jurisdiction of the said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. # 87-04)

18-403. Storm sewer permits and proper connections (1) Storm sewer connections. No unauthorized user shall uncover, make any connections with or opening into, use, alter, or disturb any storm drain or appurtenances thereof without first obtaining a written permit from the Director.

(2) Building storm drain permits. The owner or his agent shall make application on a special form furnished by the city. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of ten (\$10.00) dollars shall be paid to the city at the time the application is filed. A permit shall be issued only after meeting all applicable City Ordinance, state statutes and regulations and federal statutes and regulations.

(3) Cost of storm drain connection and/or disconnection. All costs and expense incidental to the reinstallation, installation or connection or disconnection to the storm drain shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned.

(4) Use of existing storm drain connection. Storm drain connections may be used only when they are found, on examination and test by the Director, to meet all requirements of this ordinance.

(5) Illegal connections. No user shall continue to use connections to storm drains after being notified by the Director or his authorized deputy or representative to cease using these connections due to the introduction of polluting substances into the storm drains.

(6) Inspection. The applicant for the storm drain permit shall notify the Director to inspect the premises prior to the connection to the storm drain. The connection shall be made under the supervision of the Director or his representative.

(7) Excavation. All excavations 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. (Ord. # 87-04, modified)

18-404. Limitations. (1) Unpolluted waters. Uncontaminated storm water, ground water, roof runoff, and subsurface drainage, may be discharged into storm drains. Unpolluted non-contact cooling water may also be discharged into storm drains with proper city and state permits.

(2) Other waters or substances. All other waters or substances may not be discharged into the storm drain or to a natural outlet. (Ord. # 88-15)

18-405. User compliance. (1) Regulatory actions. Discharge into the storm drain by a person is unlawful except in compliance with the federal standards and state standards promulgated pursuant to the acts. If any waters or other substances are discharged or are proposed to be discharged to the storm



drains, and are polluted as defined herein or as determined by the federal, state or Director or his representative to have a deleterious effect upon the storm drain system or which otherwise creates a hazard to life or constitute a public nuisance, the Director may:

(a) Prohibit the discharge of such wastewater; this includes the right to disconnect the users connection with sewer system, ref. section 18-308 (2).

(b) Require a discharger to demonstrate that inplant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(c) Require the person making, causing or allowing the discharge to pay any cost or expense incurred by the city for cleaning up effect of introduction of pollutants into storm drain system.

(d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the Director, or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under provisions of this chapter, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge. The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or State Health Department representatives may also enter upon properties or premises but only when accompanied by the Director.

(3) 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 company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(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 submitted to the superintendent for review, and shall be approved by him or his representative. 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. An immediate verbal notification must be made of any accidental discharge with said notification to be made to the superintendent or the pretreatment coordinator. In addition a written report addressed to the superintendent detailing the date, time and cause of any accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge. (Ord. # 88-15, modified)

18-406. Permits. (1) Permit application. Users seeking a permit shall complete and file with the Director an acceptable application. In support of this application, the user shall submit the following information:

(Note: The Director may, on a case by case basis, either require additional information or delete certain requirements at his discretion).

- (a) Name, address, and SIC number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Location of discharge point(s), accompanied with appropriate sketches;
- (d) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (e) Site plans, floor plans, mechanical and plumbing plans and details;
- (f) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be discharged;
- (g) Each product produced by type, amount, and rate of production;
- (h) Complete description of pretreatment;
- (i) Other information that may be defined by the Director for reasonable evaluation of the permit application.

(2) Duration of permits. A permit shall be valid for four (4) years unless processing changes are made that, as determined by the city, alter the wastewater constituents and characteristics significantly. The city shall be notified of any planned significant process changes in order to make such determinations. The discharge permit will be evaluated by the city ninety (90) days prior to the expiration date and will be modified as required. Industry will be given a sixty (60) day notice to respond to any proposed changes or they should write the city ninety (90) days prior if they wish to initiate any modifications. If neither the city nor industry request a change, the Permit expiration date will automatically be extended four (4) additional years .

(3) Transfer of a permit. Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new changed operation.

(4) Revocation of permit. Any user who violates the following conditions of his permit or 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 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 terms and conditions of the permit.

(5) Permit appeal procedure. An industry shall have the right to appeal all items established in the Discharge Permit. The procedure shall be as follows:

A written notice signed by the person in charge seeking an appeal hearing, shall be delivered by registered mail to the Director outlining the permit provisions which the user wishes to appeal. The Director shall then have thirty (30) days from the time of receipt of the notice to notify the Springfield Board of Mayor and Aldermen 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 rendered by the Director. Any decisions which in the judgment of the user are inappropriate may be appealed to the Springfield Board of Mayor and Aldermen by filing a written notice with said Board within fourteen (14) days after completion of the first hearing. Exemptions or variances of the protection criteria established for the system shall not be granted during this appeal procedure.

Nothing in this section shall affect a person's right to appeals provided by State Law. (Ord. # 87-04, modified)

18-407. Enforcement procedures and penalties. (1) Violations. Any user found to have violated or to be violating any provision, limitation or requirement of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit which may be immediately if deemed necessary by the Director or his representative but not to exceed thirty (30) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all such violations.

(2) Penalties. Any user who is found to have violated an order of the city or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty & no/100 dollars (\$50.00) for each offense. Each day in which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the persons found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

The Director shall have the authority to discontinue service to those users that persistently violate any requirements of this chapter.

(3) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished as provided by State Law.

(4) Expenses incurred. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage incurred by the city by reason of such violation.

(5) Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the storm drain works. All violators will be subject to civil and criminal prosecution. (Ord. # 87-04, modified)

CHAPTER 5

CROSS-CONNECTION CONTROL

SECTION

- 18-501. Application and scope.
- 18-502. Definitions.
- 18-503. Compliance with state regulations.
- 18-504. User requirements.
- 18-505. Plumbing permit required.
- 18-506. Public and private water systems.
- 18-507. Power and authority of inspectors.
- 18-508. Schedule of compliance.
- 18-509. Use of public water supply.
- 18-510. Corrections of violations.
- 18-511. Required protection devices.
- 18-512. Non-potable water supplies.
- 18-513. Enforcement and penalties.

18-501. Application and scope. An ordinance regulating the construction and maintenance of cross-connections, auxiliary intakes, by-passes, and inter-connections affecting the city's potable water supply and any other water supply.

18-502. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Air gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air gap separation shall be at least twice the diameter of the supply line, but no less than two inches (2").

(2) "Approved" shall mean that the device or method is acceptable by the Tennessee Department of Environment and Conservation and the director as meeting specifications suitable for the intended purpose.

(3) "Atmospheric vacuum breaker" shall mean a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(4) "Auxiliary intake" shall mean any water supply, on or available to a premise, other than that directly supplied by the public water system, and any piping connection or other device whereby water may be secured from a source other than normally used.

(5) "Backflow" shall mean the reversal of the intended flow direction of water in a piping system.

(6) "Back-siphonage" shall mean the flow of water or other liquids, mixtures or substances into a potable water system from any source other than

its intended source, caused by a reduction of pressure in the potable water system.

(7) "By-pass" shall mean any system of piping or other arrangement whereby the water may be diverted around any part or portion of a backflow prevention device.

(8) "City" shall mean the City of Springfield.

(9) "City manager" shall mean the City Manager of the City of Springfield or his authorized deputy, agent, or representative.

(10) "Cross-connection" shall mean any physical connection whereby the public water supply is connected with any other water supply system, directly or indirectly, whether public or private, either inside or outside of any building or buildings, in such a manner that flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which or because of which, backflow could occur are considered to be cross-connected.

(11) "Director" shall mean the Director of the Springfield Water and Wastewater Department and/or his authorized deputy agent, or representative.

(12) "Double check valve assembly" shall mean an assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each check valve.

(13) "Double check valve detector assembly" shall mean an assembly of two independently operating spring loaded check valves with a water meter (protected by another check valve or reduced pressure backflow prevention device, depending upon degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

(14) "Fire protection systems." (a) Class 1 shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs; no physical connections for other supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry well, or other safe outlets.

(b) Class 2 shall be the same as Class 1 except that booster pumps may be installed in the connections from the public water mains.

(c) Class 3 shall be those with a direct connection from the public water mains and having storage tanks filled from the public water system, with the water maintained in potable condition.

(d) Class 4 shall be those with a direct connection from the public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(e) Class 5 shall be those with a direct connection from the public water mains and interconnected with auxiliary supplies, such as

pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

(f) 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.

(15) "Inter-connection" shall mean any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(16) "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.

(17) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one or two independently operating spring loaded check valves and independently operating spring loaded or 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 testing of the check valves and relief valves.

(18) "Public water supply" shall mean the waterworks system furnishing water to the City of Springfield and all portions of Robertson County serviced by the Springfield Water System for general use and which supply is recognized and the public water supply by the Tennessee Department of Environment and Conservation.

(19) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valves.

(20) "TDEC" shall mean the Tennessee Department of Environment and Conservation, Division of Water Supply.

(21) "SWWD" shall mean the Springfield Department of Water and Wastewater.

(22) "Shall" is mandatory; "May" is permissive.

(23) "User" shall mean any individual, firm, company, association, society, corporation, or group. (as added by Ord. #02-10, Aug. 2002)

18-503. Compliance with state regulations. SWWD shall comply with § 68-221-701 of the Tennessee Code Annotated, as well as the rules and regulations for public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and

inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (as added by Ord. #02-10, Aug. 2002)

18-504. User requirements. 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 and operation of same have been approved by TDEC, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the director.

If an approved backflow prevention device is required at the city's water service connection to the user's premises, or at points within the premises, to protect the potable water supply, the director shall compel the installation and maintenance of said device at the user's expense.

For new installations, SWWD shall inspect the site and/or review plans in order to determine the type of backflow prevention device, if any, that will be required, and notify the user in writing of the required device. All required devices must be installed and operational prior to the installation of water service.

For existing premises, SWWD shall perform evaluations and inspections and shall require corrections of violations in accordance with this chapter. (as added by Ord. #02-10, Aug. 2002)

18-505. Plumbing permit required. No installation, alteration, or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first securing a suitable plumbing permit from the city. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from time of issuance until final inspection. (as added by Ord. #02-10, Aug. 2002)

18-506. Public and private water systems. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director 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. (as added by Ord. #02-10, Aug. 2002)

18-507. Power and authority of inspectors. It shall be the duty of SWWD 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 re-inspections based on potential



health hazards involved shall be as established by the director and as approved by TDEC.

The director and other duly authorized representatives of SWWD shall have the right to enter at any reasonable time, any property served by a connection to the Springfield Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, tenant, 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. (as added by Ord. #02-10, Aug. 2002)

18-508. Schedule of compliance. 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 director.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 53-2004, within a reasonable time and within the time limits set by SWWD, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, SWWD shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customers on-site piping system in such a manner the two systems cannot again be connected by an unauthorized person. Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the director shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is(are) corrected immediately. (as added by Ord. #02-10, Aug. 2002)

18-509. Use of public water supply. Where the nature of use of the water supplied a premises by SWWD 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 SWWD 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.

SWWD 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 user's premises is contained therein. The protection devices shall be a reduced pressure backflow preventer with the following exception. The fire sprinkler system can be protected with the use of a double detector check valve assembly in accordance with State of Tennessee regulations. The method of installation of all protective devices shall be approved by the director prior to installation and shall comply with the criteria set forth by TDEC. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of SWWD shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the director or his designated representative.

Water service shall not be disrupted to 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 unit is installed and the continuance of service is critical, the director or his representative 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 director.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director and/or his representative of SWWD. (as added by Ord. #02-10, Aug. 2002)

18-510. Corrections of violations. (1) Any user found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violations with 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 director, but in no case shall exceed 90 days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found to constitute an extreme and immediate hazard of

immediate concern of contaminating the public water system, the director shall require the immediate corrective action be taken to eliminate the threat to the public water system.

(3) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right of a due process hearing timely request. The disconnection may be prior to the disconnection if the commensurate risk to public health and safety warrants.

(4) The failure to correct conditions threatening the safety of the public water system as outlined in the ordinance and § 68-221-771 of the Tennessee Code Annotated within the time limits set forth by SWWD, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the director shall give the user legal notification that water service is to be discontinued, and cause the physical separation between the public water system and the user's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of due process hearing upon a timely request. The due process hearing may follow disconnection when the risk of public health and safety warrant disconnection prior to a process hearing. (as added by Ord. #02-10, Aug. 2002)

18-511. Required protection devices. (1) Where the nature of use of the water supplied a premise by the public water system is such that it is deemed:

(a) Impractical to provide an effective air-gap separation;

(b) The owner and/or occupant of the premise cannot or will not demonstrate that the water use and protective features of the plumbing are such as to pose o threat to the safety and potability of the water;

(c) The nature or mode of operation within a premise are such that frequent alterations are made to the plumbing;

(d) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(e) There is a likelihood that protective devices may be subverted, altered, or disconnected; or

(f) The plumbing from a private well (or other source) enters the building served by the public water supply, then the director 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, then a protective device shall be employed.

(2) The protective device shall be of the type approved by TDEC and the director as to manufacture, model, size, and application. The method of installation of backflow prevention devices shall be approved by the director prior to installation and shall comply with the criteria set forth by TDEC and

with the installation criteria set forth below. The installation shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for the facilities listed on Appendix A.<sup>1</sup>

(4) Fire protection systems. (a) Class 1, Class 2 and Class 3 fire protection systems generally shall require a double check valve detector assembly, except a reduced pressure backflow prevention device shall be required where:

(i) Underground fire sprinkler pipelines are parallel to and within ten feet horizontally of pipelines carrying sewage or significantly toxic products;

(ii) Premises have unusually complex piping systems;

(iii) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems generally shall require a reduced pressure backflow prevention device.

(c) Wherever fire sprinkler system piping is not constructed from an approved potable water material, or chemicals such as liquid foam concentrates are used, a reduced pressure backflow prevention device shall be required.

(5) Plumbing for commercial and institutional buildings where backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including drains, should such devices be required in the future.

(6) The director may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect water supplies within the premises.

(7) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, double check valve assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following:

(a) All required devices must be installed by a person certified by TDEC, or its successor. Evidence of current certification at the time of installation shall be required.

(b) All devices shall be installed in accordance with the manufacturer's installation instructions, and the installer shall possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to the department's test device.

(c) The entire device, including test cocks and valves, shall be easily accessible for testing and repair.

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<sup>1</sup>Appendix A to Ord. #02-10, Aug. 2002 is of record in the recorder's office.

(d) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. The maximum height above the floor surface shall be sixty inches (60").

(e) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches (6").

(f) Devices in new construction shall be installed inside the occupied building in a heated mechanical room. The device location in existing structures shall be determined on a case-by-case basis, with preference given to indoor installations.

(g) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(h) Devices shall be positioned where discharge from relief ports is piped to an approved drain which will not create undesirable conditions.

(i) An approved air-gap shall separate the relief port from any drainage system.

(j) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve before the strainer.

(k) Devices shall be located in an area from submergence or flood potential.

(l) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes, where installations below ground may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port, or that multiple drain lines are at least 2 and one-half (2½) times the area of the relief port.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrant drains be installed in such a manner that backsiphonage or backflow through the drain may occur.

(n) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump must be on the downstream side of any check valve or backflow prevention device. Where the supply for the jockey pump is taken from the upstream side of the check valve or backflow prevention device, an assembly of the same type as required on the main line shall be installed on the supply line.

(o) High volume/high pressure fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches ten pounds per square inch gauge (10 psig). Ideally, such pumps should draw from an in-house reservoir fed by several supply

lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir. (as added by Ord. #02-10, Aug. 2002)

18-512. Non-potable water supplies. 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 high located on a contrasting background. (as added by Ord. #02-10, Aug. 2002)

18-513. Enforcement and penalties. The requirements contained herein shall apply to all premises served by SWWD, whether located inside or outside the corporate limits, and are hereby made a part of the conditions required to be met for SWWD to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense.

Any person violating any provisions of this chapter shall become liable to the city for any expense, loss or damage incurred by the city by reason of such violation. (as added by Ord. #02-10, Aug. 2002)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICAL CODE.
2. ELECTRICITY.
3. GAS CODE.
4. GAS SERVICE GENERALLY.
5. CONDITIONS OF SERVICE POLICY MANUAL.

CHAPTER 1

ELECTRICAL CODE

SECTION

- 19-101. Electrical code adopted.
- 19-102. Appeals.
- 19-103. Violations and penalties.
- 19-104. Permit required for doing electrical work.
- 19-105. Enforcement.
- 19-106. Fees.
- 19-107. Conditions of service manual.
- 19-108. Available in recorder's office.

19-101. Electrical code adopted. Pursuant to authority granted by sections 6-54-501 through 6-54-506, Tennessee Code Annotated, 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 current edition of the National Electrical Code,<sup>1</sup> adopted by the State of Tennessee, 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. (1981 code, § 4-301, modified, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-102. Appeals. The owner of a building, structure, service system or his duly authorized agent, may appeal a decision of the State Electrical Inspector through the appeals process established by the State of Tennessee. An appeal of a decision of the city's electrical inspector shall be to the Board of Adjustments and Appeals as established in title 2, Boards & Commissions, Etc.,

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<sup>1</sup>Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

of the Springfield Municipal Code. (1981 code, § 4-302, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-103. Violations and penalties. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state and local laws. (1981 code, § 4-303, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-104. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the electrical inspector. 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. (1981 code, § 4-304, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-105. Enforcement. The electrical inspector shall be such person as the City of Springfield shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code 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. (1981 code, § 4-305, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-106. Fees. The electrical inspector shall collect the same fees as are authorized in § 68-102-143, Tennessee Code Annotated, for electrical inspections by deputy inspectors of the state fire marshal. (1981 code, § 4-306, as replaced by Ord. #96-10, § 1, Feb. 1996)

19-107. Conditions of service manual. In the event of a conflict between the provisions of the electrical code and the requirements set forth in the City of Springfield Conditions of Service Manual, the Conditions of Service Manual shall control. (As added by Ord. #96-10, § 1, Feb. 1996)

19-108. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the electrical



code has been filed with the city recorder and is available for public use and inspection. Said electrical code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Electric System. (As added by Ord. #96-10, § 1, Feb. 1996)

## CHAPTER 2

ELECTRICITY

## SECTION

- 19-201. Application for service.
- 19-202. Deposit.
- 19-203. Point of delivery
- 19-204. Customer's wiring--standards.
- 19-205. Inspections.
- 19-206. Underground service lines.
- 19-207. Customer's responsibility for distributor's property.
- 19-208. Right of access.
- 19-209. Billing.
- 19-210. Discontinuance of service by distributor.
- 19-211. Connection, reconnection, and disconnection charges.
- 19-212. Termination of contract by customer.
- 19-213. Service charges for temporary service.
- 19-214. Interruption of service.
- 19-215. Shortage of electricity.
- 19-216. Voltage fluctuations caused by customer.
- 19-217. Additional load.
- 19-218. Standby and resale service.
- 19-219. Notice of trouble.
- 19-220. Non-standard service.
- 19-221. Meter tests.
- 19-222. Relocation of outdoor lighting facilities.
- 19-223. Billing adjusted to standard periods.
- 19-224. Heat pump program.
- 19-225. Scope.
- 19-226. Revisions.
- 19-227. Conflict.
- 19-228. Rates.

19-201. Application for service. Each prospective customer desiring electric service shall be required to sign an application for service or contract before service is supplied by the provider. (1981 code, § 13-401, modified)

19-202. Deposit. A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any customer before electric service is supplied. The provider may at its option return the deposit to the customer after one year. Upon termination of service, the deposit may be applied by the distributor against unpaid bills of the customer, and if any

balance remains after such application is made, said balance shall be refunded to the customer. (1981 code, § 13-402)

19-203. Point of delivery. The point of delivery is the point, as designated by the distributor, on customer's premises where current is to be delivered to the building or premises. All wiring and equipment beyond this point of delivery shall be provided and maintained by the customer at no expense the distributor.

(1) Point of attachment. The customer shall provide a suitable point of attachment for distributor's facilities in accordance with distributor's requirements and/or the electrical code. Points of attachment must be of sufficient strength to withstand the following tensions:

SERVICE SIZE/TYPE				MINIMUM TENSION REQUIREMENTS
60-100	AMP	1PH	O/H	40 LBS
101-225	AMP	1PH	O/H	40 LBS
101-225	AMP	3PH	O/H	286 LBS
226-600	AMP	1PH	O/H	1060 LBS
226-600	AMP	3PH	O/H	1414 LBS
601-1000	AMP	1PH	O/H	1228 LBS
601-1000	AMP	3PH	O/H	1700 LBS
1001-1300	AMP	3PH	O/H	2550 LBS
1301-1600	AMP	3PH	O/H	3400 LBS
1601-2000	AMP	3PH	O/H	4250 LBS

Distributor will make connections at an approved weatherhead, provided the ground wire is provided within one (1) foot of the point of attachment.

(2) Mobile homes. Unless allowed by code, all mobile homes and buildings subject to relocation shall require a pole to be set for distributor's point of attachment. Such pole shall be owned by customer, and can be installed by either party according to distributors specifications. The pole must be in good condition, shall be set no less than (five) feet in good ground and shall be properly tamped. The pole shall extend no less than twenty (20) feet above final grade. Weatherheads shall be located two (2) feet from the top of the pole.

(3) Meter bases. Where a meter base is appropriate, it shall be provided by distributor and no substitutions shall be used. (1981 code, § 13-403, as amended by Ord. #96-16, § 1, April 1996)

19-204. Customer's wiring--standards. All wiring of the customer must conform to the distributor's requirements and accepted modern standards, as exemplified by the requirements of the National Electrical Safety Code and the National Electrical Code. (1981 code, § 13-404)

19-205. Inspections. The distributor shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any time later, and reserves the right to reject any wiring or appliances not in accordance with the distributor's standards; but such inspection or failure to inspect or reject shall not render the distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from a violation of the distributor's rules, or from accidents which may occur upon the customer's premises. (1981 code, § 13-405)

19-206. Underground service lines. Customers desiring underground service lines from the distributor's overhead system must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by the distributor on request. (1981 code, § 13-406)

19-207. Customer's responsibility for distributor's property. All meters, service connections, and other equipment furnished by the distributor shall be, and remain, the property of the distributor. The customer shall provide a space for and exercise proper care to protect the property of the distributor on his premises, and, in the event of loss or damage to the distributor's property arising from the neglect of the customer to care for same, the cost of the necessary repairs or replacements shall be paid by the customer. (1981 code, § 13-407)

19-208. Right of access. The distributor's identified employees shall have access to the customer's premises at all reasonable times for the purpose of reading meters and testing, repairing, removing, or exchanging any or all equipment belonging to the distributor. (1981 code, § 13-408)

19-209. Billing. Bills will be rendered monthly and shall be at the location designated by the provider. Failure to receive a bill will not release the customer from payment obligation. Should bills not be paid by the due date specified on the bill, the provider may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. Bills paid after the due date specified on the bill may be subject to additional charges. Should the due date of bill fall on a Saturday, Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears United States Postal Service date stamp of the due date or any date prior thereto. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if service is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

19-210. Discontinuance of service by provider. The provider may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The provider may discontinue service to a customer for the theft of current or the appearance of current theft devices on the premises of the customer. The discontinuance of service by the provider for any cause as stated in this rule does not release the customer from his obligation to the provider for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1981 code, § 13-410, modified)

19-211. Connection, reconnection, and disconnection charges. Provider may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant. (1981 code, § 13-411, modified)

19-212. Termination of contract by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least one (1) day's 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 any contract or rate. (1981 code, § 13-412, modified)

19-213. Service charges for temporary services. Customers requiring electric service on a temporary basis may be required by the provider to pay all costs for connection and disconnection incidental to the supplying and removing of service. This rule applies to circuses, carnivals, fairs, temporary construction, and the like. (1981 code, § 13-413, modified)

19-214. Interruption of service. The provider will use reasonable diligence in supplying service, but shall not be liable for breach of contract in the event of, or for loss, injury or damage to persons or property resulting from, interruptions in service, excessive or inadequate voltage, single phasing, or otherwise unsatisfactory service, whether or not caused by negligence. (1981 code, § 13-414, modified)

19-215. Shortage of electricity. In the event of an emergency or other condition causing a shortage in the amount of electricity for the provider to meet the demand on its system, the provider may, by an allocation method deemed equitable by the provider, fix the amount of electricity to be made available for use by a customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may

make of electricity. If such actions become necessary, the customer may request a variance because of unusual circumstances including matters adversely affecting the public health, safety and welfare. If a customer fails to comply with such allocation or restriction, the provider may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of the excess use of electricity. The provisions of the section entitled "Interruption of Service" of this schedule of rules and regulations are applicable to any such allocation or restriction. (1981 code, § 13-415)

19-216. Voltage fluctuations caused by customer. Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to the distributor's system. The distributor may require a customer, at his own expense, to install suitable apparatus which will reasonably limit such fluctuations. (1981 code, § 13-416)

19-217. Additional load. The service connection, transformers, meters, and equipment supplied by the distributor for each customer have a definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the distributor. Failure to give notice of additions or changes in load, and to obtain the distributor's consent for same, shall render the customer liable for any damage to any of the distributor's lines or equipment caused by the additional or changed installation. (1981 code, § 13-417)

19-218. Standby and resale service. All purchased electric service (other than emergency or standby service) used on the premises of a customer shall be supplied exclusively by the distributor, and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the electric service or any part thereof. (1981 code, § 13-418)

19-219. Notice of trouble. The customer shall notify the immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, should be confirmed in writing. (1981 code, § 13-419)

19-220. Non-standard service. The customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. (1981 code, § 13-420)

19-221. Meter tests. The distributor will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. The distributor will make additional tests or inspections of its meters at the request of the customer. If tests made at the customer's

request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill, and the distributor's standard testing charge will be paid by the customer. In case the test shows the meter to be in excess of two percent (2%), fast or slow, an adjustment shall be made in the customer's bill over a period of not over thirty (30) days prior to the date of such test, and the cost of making the test shall be borne by the distributor. (1981 code, § 13-421)

19-222. Relocation of outdoor lighting facilities. The distributor shall, at the request of the customer, relocate or change existing distributor-owned equipment. The customer shall reimburse the distributor for such changes at actual cost including appropriate overheads. (1981 code, § 13-422)

19-223. Billing adjusted to standard periods. The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In the case of the first billing of new accounts (temporary service, cotton gins, and other seasonal customers excepted) and final billings of all accounts (temporary service excepted) where the period covered by the billing involved fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1981 code, § 13-423)

19-224. Heat pump program. Customers of the distributor receiving service under the residential rate schedules and who are considering converting the heat and cooling system in their homes to an electric heat pump are eligible to participate in the home insulation program being conducted by the distributor and TVA. If the home energy survey for such customers indicates home weatherization measures such as storm window, insulated doors, caulking and weatherstripping of doors and windows and installation of attic insulation are cost effective, and if a heat pump is installed, the distributor will, as part of providing electric service to residential customers, arrange to make available funds provided by TVA to accomplish said measures at customers' dwelling. Participants will be required to enter into a standard form agreement under which the funds furnished to accomplish said measures will be repaid to the distributor in a lump sum payment, or by monthly payments at an appropriate interest rate, extending up to ten years. The monthly repayment amount due for this service will be included as part of the electric bill rendered by the distributor, to which bills the provisions of the section entitled "Billing" of this schedule or rules and regulations are applicable; provided, however, that said monthly amount shall not be subject to additional charges for past-due payment. (As renumbered by Ord. #96-16, § 2, April 1996)

19-225. Scope. This schedule of rules and regulations is a part of all contracts for receiving electric service from the distributor, and applies to all service received from the distributor, whether the service is based upon contract agreement, signed application, or otherwise. A copy of this schedule, together with a copy of the distributor's schedule of rates and charges, shall be kept open to inspection at the offices of the distributor. (1981 code, § 13-426, as renumbered by Ord. #96-16, § 2, April 1996)

19-226. Revisions. These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time, without notice. Such changes, when effective, shall have the same force as the present rules and regulations. (1981 code, § 13-427, as renumbered by Ord. #96-16, § 2, April 1996)

19-227. Conflict. In case of a conflict between any provision of any rate schedule and the schedule of rules and regulations, the rate schedule shall apply. (1981 code, § 13-428, as renumbered by Ord. #96-16, § 2, April 1996)

19-228. Rates. The city shall make and collect charges for electrical service in accordance with such rate schedules as the Board of Mayor and Aldermen shall from time to time prescribe. (1981 code, § 13-429, as renumbered by Ord. #96-16, § 2, April 1996)



CHAPTER 3

GAS CODE

SECTION

- 19-301. Gas code adopted.
- 19-302. Modifications.
- 19-303. Available in recorder's office.
- 19-304. Conditions of service manual.
- 19-305. Permit fees.
- 19-306. Discontinuance of utilities.

19-301. Gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the beneficial interests and purposes of public safety, health and general welfare through the regulation of the installation and maintenance of all gas systems and gas-fired appliances, the International Fuel Gas Code,<sup>1</sup> 2012 edition, as prepared and adopted by the International Code Council, including all appendices, addenda, and supplements thereto, is hereby adopted and incorporated by reference, in its entirety, as a part of the Springfield Municipal Code and is hereinafter referred to as the gas code. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #01-04, March 2001, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

19-302. Modifications. The International Fuel Gas Code, 2012 edition, adopted by the provisions of this chapter, is hereby modified as follows:

(1) Whenever the "code official" is referred to in this code, it shall, for the purposes of the gas code, mean such person as the City of Springfield shall have appointed or designated to administer and enforce the provisions of the gas code.

(2) All permit fees and scales for calculating permit fees shall be established by the board of mayor and aldermen by separate ordinance.

(3) Section 109 entitled "Means of Appeal" is rescinded in its entirety and shall be substituted by the Construction Board of Adjustments and Appeals as established in title 2, chapter 8 of the Springfield Municipal Code.

(4) Subsection 108.4 entitled "Violation penalties" is rescinded in its entirety and shall be substituted by a new subsection 108.4 to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a penalty of fifty dollars (\$50.00) for each offense. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #01-04, March 2001, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

19-303. Available in recorder's office. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the gas code has been filed with the city recorder and is available for public use and inspection. Said gas code is adopted and incorporated as fully as if set out at length herein and shall control within the corporate limits and shall control over property, structures, appliances, and service systems outside the corporate city limits which are connected to the City of Springfield Gas System. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

19-304. Conditions of service manual. In the event of a conflict between the provisions of the gas code and the requirements set forth in the City of Springfield Conditions of Service Manual, the Conditions of Service Manual shall control. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

19-305. Permit fees. All fee schedules pertaining to gas line construction, alteration, repair, removal, connection, and so forth shall be established by the board of mayor and aldermen by ordinance. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

19-306. Discontinuance of utilities. In addition to other penalties, the building official of the city may order the discontinuance of utility services to any building in violation of this chapter. This may be done only when the owner of the building has been given at least ten (10) days notice by certified mail of the violation, and has failed to make substantial progress toward correcting the violations. (Ord. #092-16, Sept. 1992, as replaced by Ord. #96-08, Feb. 1996, Ord. #06-28, Dec. 2006, Ord. #09-02, April 2009, and Ord. #14-20, Oct. 2014)

CHAPTER 4

GAS SERVICE GENERALLY

SECTION

19-401. Main extensions.

19-402. Tap fees.

19-403. Service charges.

19-404. Rates.

19-405. Billing.

19-406. Discontinuance or refusal of service.

19-407. Connection, reconnection and disconnection charges.

19-408. Termination of contract by customer.

19-409. Interruption of service.

19-401. Main extensions. Main extensions may be made at customer request within the service area, if economically feasible. (1981 code, § 13-501, modified)

19-402. Tap fees. Gas meters shall be set at the building and a tap fee shall be charged and collected in accordance with such schedule as may be prescribed or authorized by the Board of Mayor and Aldermen. (1981 code, § 13-502)

19-403. Service charges. Each time a gas service is cut on or cut off at the customer's request or for nonpayment of a bill there shall be collected from the customer a service charge as prescribed or authorized by the Board of Mayor and Aldermen. (1981 code, § 13-504)

19-404. Rates. The city shall make and collect charges for gas service in accordance with such rate schedules as the Board of Mayor and Aldermen shall from time to time prescribe. (1981 code, § 13-505, modified)

19-405. Billing. Bills will be rendered monthly and shall be at the location designated by the provider. Failure to receive a bill will not release the customer from payment obligation. Should bills not be paid by the due date specified on the bill, the provider may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. Bills paid after the due date specified on the bill may be subject to additional charges. Should the due date of bill fall on a Saturday, Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears United States Postal Service date stamp of the due date or any date prior thereto. If a meter fails to register properly, or if a

meter is removed to be tested or repaired, or if service is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1981 code, § 13-506, modified)

19-406. Discontinuance or refusal of service. The provider may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The provider may discontinue service to a customer for the theft of service or the appearance of service theft devices on the premises of the customer. The discontinuance of service by the provider for any cause as stated in this rule does not release the customer from his obligation to the provider for the payment of minimum bills as specified in the application of the customer or the contract with the customer.

19-407. Connection, reconnection and disconnection charges. The provider may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant.

19-408. Termination of contract by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least one (1) day 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 any contract or rate.

19-409. Interruption of service. The provider will use reasonable diligence in supplying service, but shall not be liable for breach of contract in the event of, or for loss, injury or damage to persons or property resulting from, interruptions in service, excessive or inadequate pressure, or otherwise unsatisfactory service, whether or not caused by negligence.

TITLE 20

MISCELLANEOUS

CHAPTER

1. PARK AND GREENWAY RULES AND REGULATIONS.
2. TEMPORARY FOOD VENDOR REGULATIONS.

CHAPTER 1

PARKS AND GREENWAY RULES AND REGULATIONS

SECTION

- 20-101. Rules shall be posted in parks.
- 20-102. In general.
- 20-103. Exceptions.
- 20-104. Prohibited activities.
- 20-105. Permits required.
- 20-106. Regulated uses
- 20-107. Park and greenway hours.
- 20-108. Regulation of vehicles in parks.
- 20-109. Animals and vehicles on greenway hike and bike trial.

20-101. Rules shall be posted in parks. Rules and regulations pertaining to the use and operation of parks and the section of the greenway hike and bike trial extending between Garner Street Park and J. Travis Price Park shall be posted in each park and greenway trailhead and are presumed to be known and understood by all park users. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, Dec. 2006)

20-102. In general. The enforcement of rules and regulations contained in this chapter shall apply as follows:

(1) To anyone performing an act in direct violation of a rule or regulation including anyone who causes, solicits, conspires or in any way aids in the violation of a rule or regulation.

(2) To anyone who allows or otherwise fails to curtail actions of a minor which violate a rule or regulation.

(3) To anyone in a supervisory capacity over a group of people that enter park or greenway premises with or without proper approval and to any and all actions of a group which violate park and greenway rules and regulations. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, Dec. 2006)

20-103. Exceptions. Exceptions to the rules and regulations contained in this chapter are as follows.

(1) Any act regulated by these rules may be performed under a permit obtained from the parks board or the director of parks and recreation.

(2) Those activities or uses which are specifically prohibited by the rules and regulations may be allowed by obtaining a permit from the parks board only in those situations whereby the parks board has determined an obvious or beneficial community purpose in allowing the activity. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, Dec. 2006)

20-104. Prohibited activities. The following activities are prohibited:

- (1) Vandalism of any park or greenway structures or grounds;
- (2) Littering, including placing household garbage in park or greenway receptacles;
- (3) Sound truck advertising;
- (4) Disorderly conduct;
- (5) Use of fireworks or firearms;
- (6) The injury, harassment, or feeding of animals;
- (7) Consumption or possession of alcoholic beverages;
- (8) Possession of illegal drugs;
- (9) Walking of pit bulls or other aggressive dogs;
- (10) Deposit of pet feces; and
- (11) Parking or riding of bicycles in spectator or bleacher areas during games or practice, All bicycles shall be parked in designated areas. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, Dec. 2006)

20-105. Permits required. Permits shall be obtained to reserve park or greenway facilities, use of a park or greenway for any prohibited use, or when otherwise required by this chapter. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, Dec. 2006)

20-106. Regulated uses. The following uses are subject to permit or other restrictions:

- (1) No golf is permitted, except in designated areas.
- (2) Placing posters and signs is prohibited except by permit.
- (3) Selling of any merchandise is prohibited except by permit
- (4) Building of fires is prohibited except in grills or by permit.
- (5) Fishing is permitted except where prohibited by signs.
- (6) Swimming is prohibited except where permitted by signs.
- (7) Skating and skateboarding is prohibited unless permitted by signs.
- (8) Pets must be on a leash of a length and sufficient strength to keep them under control and to keep them from interfering with the activities of persons and animals belonging to other persons. Any pet found at-large may be seized and impounded. (Ord. # 091-11, Nov. 1991, as replaced by Ord. #06-30, 2006)

20-107. Park and greenway hours. Park hours are from 7:30 A.M. to 10:00 P.M. from March 1 through October 31 and 7:30 A.M. to 6:00 P.M. from November 1 through February 28. No person shall be allowed to remain in a park more than thirty (30) minutes after an event finishes if it is after park closing time. Exceptions shall be by permit. Persons are allowed to enter parks between sunrise and 7:30 A.M. by permit or by parking outside the park and entering on foot. The greenway shall be open from dawn to dusk year-round. (as added by Ord. #06-30, Dec. 2006)

20-108. Regulation of vehicles in parks. The following regulations shall apply to any vehicle use within city parks:

(1) Regulatory signs must be observed unless directed otherwise by a police officer or park employee.

(2) The speed limit within all parks is fifteen (15) miles per hour.

(3) Reckless driving is prohibited.

(4) Motorized vehicles are confined to the roads and parking areas. They are not to be driven on any turf or trails, unless directed to do so by a police officer or park employee. No vehicles of any kind, including bicycles, are to be driven on baseball, softball, soccer, and football fields or in bleacher areas or spectator areas.

(5) Only licensed drivers are to operate motorized vehicles inside parks. Driving lessons are prohibited.

(6) The maintenance of vehicles, such as changing oil, is prohibited. (as added by Ord. #06-30, Dec. 2006)

20-109. Animals and vehicles on greenway hike and bike trail. It shall be unlawful for any person to ride an animal or to ride, push, pull or place any vehicle across or upon the designated greenway hike and bike trail. As used in this section, vehicles shall also include, but shall not be limited to, any gasoline or electric powered vehicles such as all terrain vehicles (ATVs), motorized bicycles, motorcycles, golf carts and go-carts. Parks and recreation department, police, fire, ambulance and emergency vehicles, as well as other authorized government vehicles, are exempt from the provisions of this section when used in the execution of official duties. Wheelchairs and similar single person apparatuses designed and used specifically to assist disabled persons are also exempt from the provisions of this section. (as added by Ord. #06-30, Dec. 2006)

CHAPTER 2

TEMPORARY FOOD VENDOR REGULATIONS

SECTION

20-201. Temporary food vendors not allowed to operate at a fixed or permanent location.

20-202. Permit fees and exemptions.

20-201. Temporary food vendors not allowed to operate at a fixed or permanent location. Food vendors operating in portable trailers, lunch wagons or other vehicles shall not be allowed to provide service at a fixed or permanent location within the city. Such facilities shall obtain a temporary use permit from the community development department for up to seven (7) days to provide service at a fixed location for special events or other functions. The days of operation of such a facility shall be limited to seven days total for any calendar year. Such facilities shall meet the health and safety standards of the City of Springfield and the Robertson County Health Department. (as added by Ord. #04-28, Dec. 2004, and replaced by Ord. #06-16, Sept. 2006)

20-202. Permit fees and exemptions. Activities sponsored by the City of Springfield, Robertson County Fair Board, school, church, civic organizations operating for periods of less than seven (7) days are exempt from these regulations. There shall be a \$25 fee for the permit, which shall be prominently displayed on the vehicle or structure during the time of operation. (as added by Ord. #04-28, Dec. 2004)



ORDINANCE 094-02

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF SPRINGFIELD, TENNESSEE.

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

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

WHEREAS the Board of Mayor and Aldermen of the City of Springfield, 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 "Springfield Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF SPRINGFIELD, TENNESSEE:

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 "Springfield 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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing 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, closing, 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. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code, with the exception of moving traffic violations, shall be punishable by a penalty of up to, but not more than, five hundred dollars (\$500.00) for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section 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.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.\*

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\*State law reference

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

Each day any violation of the municipal code continues shall constitute a separate 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.


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


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

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection during regular office hours.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading February 22, 1994.  
Passed 2nd reading March 22, 1994.  
Passed 3rd reading April 19, 1994.

  
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Dave Fisher, Mayor

  
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Bobby C. Lehman, Recorder