

**THE  
WAYNESBORO  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

March 2017

**CITY OF WAYNESBORO TENNESSEE**

**MAYOR**

Jeff Howell

**VICE MAYOR**

Brant Sanders

**COMMISSIONERS**

Chris Bevis  
Jeff Davis  
Charlie Mosley

**MANAGER**

John Hickman

**RECORDER**

Darlene Skelton

## PREFACE

The Waynesboro Municipal Code contains the codification and revision of the ordinances of the City of Waynesboro, 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 § 2-106.

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

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

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

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

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

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

The able assistance of Nancy Gibson and Sandy Selvage is gratefully acknowledged.

Kelley Myers, ACP  
Municipal Codes Coordinator

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

**6-20-214. Ordinances; form.** All ordinances shall begin, "Be it ordained by the city of (here insert name) as follows:." [Acts 1921, ch. 173, art. 5, § 1; Shan. Supp., § 1997a149; Code 1932, § 3546; T.C.A. (orig. ed.), § 6-2025.]

**6-20-215. Reading; effective date; emergency ordinances.**

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

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

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

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended, except by a new ordinance. [Acts 1921, ch. 173, art. 5, § 2; Shan. Supp., § 1997a150; Code 1932, § 3547; T.C.A. (orig. ed.), § 6-2026; Acts 1976, ch. 420, § 1; Acts 1989, ch. 175, § 9; Acts 1995, ch. 13, § 10; Acts 1996, ch. 652, § 4.]

**6-20-216. Vote; journalization.** In all cases under § 6-20-215, the vote shall be determined by yeas and nays, and the names of the members voting for or against an ordinance shall be entered upon the journal. [Acts 1921, ch. 173, art. 5, § 3; Shan. Supp., § 1997a151; Code 1932, § 3548; T.C.A. (orig. ed.), § 6-2027.]

**6-20-217. Ordinance recordation and preservation.** Every ordinance shall be immediately taken charge of by the recorder and by the recorder be numbered, copied in an ordinance book, filed and preserved in the recorder's office. [Acts 1921, ch. 173, art. 5, § 4; Shan. Supp., § 1997a152; Code 1932, § 3549; T.C.A. (orig. ed.), § 6-2028.]

**6-20-218. Penal ordinances; publication.** (a) Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

(b) No such ordinance shall take effect until the ordinance, or its caption, is published, except as otherwise provided in chapter 54, part 5 of this title. [Acts 1921, ch. 173, art. 5, § 5; Shan. Supp., § 1997a153; Code 1932, § 3550; T.C.A. (orig. ed.), § 6-2029; Acts 1981, ch. 194, § 1; Acts 1984, ch. 811, § 2.; Acts 1989, ch. 175, § 16.]

**6-20-219. Mayor; acts required by ordinance.** The mayor has the power and it is hereby made the mayor's duty to perform all acts that may be required of the mayor by any ordinance duly enacted by the board of commissioners, not in conflict with any of the provisions of this charter. [Acts 1921, ch. 173, art. 6, § 2; Shan. Supp., § 1997a155; Code 1932, § 3552; T.C.A. (orig. ed.), § 6-2030.]

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. GOVERNING BODY.
2. RECORDER.
3. CITY MANAGER.
4. CODE OF ETHICS.

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<sup>1</sup>Charter reference

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

## CHAPTER 1

### GOVERNING BODY<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 governing body shall hold regular monthly meetings at 5:30 P.M. on the second and fourth Monday of each month in the office of the mayor. (1995 Code, § 1-101, modified)

**1-102. Order of business.** At each meeting of the governing body the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from committees, members of the governing body and other officers;

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<sup>1</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see *Tennessee Code Annotated*, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

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

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.



- (7) Old business;
- (8) New business; and
- (9) Adjournment. (1995 Code, § 1-102)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, shall govern the transaction of business by and before the governing body at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1995 Code, § 1-103)

## CHAPTER 2

### RECORDER<sup>1</sup>

#### SECTION

1-201. To keep minutes, etc.

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

1-203. To be bonded.

1-204. Fees.

**1-201. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1995 Code, § 1-201)

**1-202. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the governing body and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1995 Code, § 1-202)

**1-203. To be bonded.** The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1995 Code, § 1-203)

**1-204. Fees.** The recorder shall be entitled to the same amount in fees for his services as are provided for the justice of the peace for like services under state law. (1995 Code, § 1-204)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see *Tennessee Code Annotated*, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see *Tennessee Code Annotated*, title 6, chapter 22, particularly § 6-22-119.

**CHAPTER 3****CITY MANAGER<sup>1</sup>****SECTION**

1-301. Generally supervises municipality's affairs.

1-302. Executes municipality's contracts.

**1-301. Generally supervises municipality's affairs.** The city manager shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1995 Code, § 1-301)

**1-302. Executes municipality's contracts.** The city manager shall execute all contracts authorized by the governing body. (1995 Code, § 1-302)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see *Tennessee Code Annotated*, title 6, chapter 21, part 1, particularly § 6-21-101. For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations and penalty.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the City of Waynesboro. 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 city. The words "municipal" and "city" or "City of Waynesboro" include these separate entities. (Ord. #751, May 2007)

**1-402. Definition of "personal interest."** (1) For purposes of §§ 4-103 and 4-104, "personal interest" means:

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<sup>1</sup>State law references

*Tennessee Code Annotated:*

Campaign finance - title 2, chapter 10.

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

Conflict of interests disclosure statements - § 8-50-501 *et seq.*

Consulting fee prohibition for elected municipal officials - §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - § 39-16-101 *et seq.*

Crimes of official misconduct, official oppression, misuse of official information - § 39-16-401 *et seq.*

Ouster law - § 8-47-101 *et seq.*

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #751, May 2007)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (Ord. #751, May 2007)

**1-404. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form<sup>2</sup> provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #751, May 2007)

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

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

<sup>2</sup>Disclosure of personal interest form may be found in the office of the recorder.

(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. (Ord. #751, May 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity of the city or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #751, May 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of commissioners to be in the best interests of the city. (Ord. #751, May 2007)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #751, May 2007)

**1-409. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the department head. (Ord. #751, May 2007)

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

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed

official or employee charging a violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #751, May 2007)

**1-411. Violations and penalty.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #751, May 2007)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**CHAPTER**

**1. PARKS AND RECREATION REGULATORY BOARD.**

**CHAPTER 1**

**PARKS AND RECREATION REGULATORY BOARD**

**SECTION**

2-101. Established.

**2-101. Established.** A parks and recreation regulatory board is hereby established, to be appointed by the commissioners of the City of Waynesboro, consisting of five (5) members to serve at the pleasure of the board for a term of three (3) years. Members of the parks commission may be reappointed by the commission with the terms to be staggered providing for uniformity of board action. (1995 Code, § 2-101, modified)



## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### CITY JUDGE

#### SECTION

3-101. City judge.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge. (1995 Code, § 3-101)

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<sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see *Tennessee Code Annotated*, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

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

3-204. Disturbance of proceedings.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, and all other information that may be relevant. (1995 Code, § 3-201)

**3-202. Imposition of fines and costs.** All fines and costs<sup>1</sup> shall be imposed and recorded by the city judge on the city court docket in open court. (1995 Code, § 3-202)

**3-203. Disposition and report of fines and costs.** All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1995 Code, § 3-203)

**3-204. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises. (1995 Code, § 3-204)

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<sup>1</sup>Municipal fines and court costs, and any amendments thereto, may be found in the office of the recorder.

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may, in his discretion, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1995 Code, § 3-302)

**3-302. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1995 Code, § 3-303)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

**3-401. 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.<sup>1</sup> (1995 Code, § 3-402)

**3-402. Bond amounts, conditions, and forms.** An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1995 Code, § 3-403)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 27-5-101.

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. PERSONNEL SYSTEM.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL AND EXPENSE POLICY.
4. BENEFITS.

#### CHAPTER 1

### PERSONNEL SYSTEM

#### SECTION

- 4-101. Purpose.
- 4-102. Coverage.
- 4-103. Administration.
- 4-104. Personnel rules and regulations.
- 4-105. Records.
- 4-106. Right to contract for special services.
- 4-107. Discrimination.
- 4-108. Amendments.

**4-101. Purpose.** The purpose of this chapter is to establish a system of personnel administration in the City of Waynesboro 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 handicapping condition. (1995 Code, § 4-201)

**4-102. Coverage.** All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

- (1) All elected officials;
- (2) The city manager;
- (3) Members of appointed boards and commissions;
- (4) Consultants, advisers, and legal counsel rendering temporary professional service;
- (5) The city attorney;

- (6) Independent contractors;
- (7) Persons employed by the municipality for not more than three months during a fiscal year;
- (8) Part-time employees paid by the hour of the day, and not considered regular;
- (9) Volunteer personnel appointed without compensation; and
- (10) The city judge;

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (1995 Code, § 4-202)

**4-103. Administration.** The personnel system shall be administered by the city manager who shall have the following duties and responsibilities:

- (1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration;
- (2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code;
- (3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of the city council and budget limitations;
- (4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health;
- (5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data;
- (6) Make periodic reports to the city council regarding the administration of the personnel system;
- (7) Recommend to the city council a position classification plan, and install and maintain such a plan upon approval by the city council;
- (8) Prepare and recommend to the city council a pay plan for all municipal government employees;
- (9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government;
- (10) Be responsible for certification of payrolls; and
- (11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen/commission/council. (1995 Code, § 4-203)

**4-104. Personnel rules and regulations.** The city manager shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The council shall adopt the rules presented to them by the city manager. If the council has taken no action within ninety (90) days after receipt of the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (1995 Code, § 4-204)

**4-105. Records.** The city manager shall maintain adequate records of the employment record of every employee as specified herein. (1995 Code, § 4-205)

**4-106. Right to contract for special services.** The city councilmen 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. (1995 Code, § 4-206)

**4-107. 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, or religious belief. (1995 Code, § 4-207)

**4-108. Amendments.** Amendments or revisions of these rules may be recommended for adoption by the city manager. Such amendments or revisions of these rules shall become effective after public hearing and approval by the governing body. (1995 Code, § 4-208)

## CHAPTER 2

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

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

**4-201. Title.** This section shall be known as the occupational safety and health program plan for the employees of the City of Waynesboro. (Ord. #810, Sept. 2016)

**4-202. Purpose.** The city commission, in electing to update their established program plan will maintain an effective and comprehensive occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze of the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.



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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety the health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #810, Sept. 2016)

**4-203. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Waynesboro shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Waynesboro whether part-time for full-time, seasonal or permanent. (Ord. #810, Sept. 2016)

**4-204. Standards authorized.** The occupational safety and health standards adopted by the city commission are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (*Tennessee Code Annotated*, title 50, chapter 3). (Ord. #810, Sept. 2016)

**4-205. Variances from standards authorized.** The City of Waynesboro may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-01-02, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, the city manager 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 shall be deemed sufficient notice to employees. (Ord. #810, Sept. 2016)

**4-206. Administration.** For the purposes of this chapter, the city manager, is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer for the City of Waynesboro program. The director shall develop a plan of operation for the program in accordance with the rules of the Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by *Tennessee Code Annotated*, title 50. (Ord. #810, Sept. 2016)

**4-207. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Waynesboro City Commissioner. (Ord. # 810, Sept. 2016)

## CHAPTER 3

### TRAVEL AND EXPENSE POLICY

#### SECTION

4-301. Coverage.

4-302. Travel and expense policy.

4-303. Vehicle use policy.

**4-301. Coverage.** The mayor, city commissioners, members of boards and committees appointed by the mayor or board of commissioners, including municipal utility boards, and other city employees may be reimbursed for reasonable and necessary expenses incurred in the conduct of official business. (1995 Code, § 4-401)

**4-302. Travel and expense policy.**<sup>1</sup> The travel and expense policy adopted by the board of commissioners will govern the reimbursement of expenses incurred by these municipal officials and board and committee members. (1995 Code, § 4-402)

**4-303. Vehicle use policy.**<sup>2</sup> The vehicle use policy will govern the use of vehicles by these municipal officials and board and committee members. (1995 Code, § 4-403)

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<sup>1</sup>Travel and expense policy, and any amendments thereto, may be found in the office of the recorder.

<sup>2</sup>Vehicle use policy, and any amendments thereto, may be found in the office of the recorder.

## CHAPTER 4

### BENEFITS

#### SECTION

4-401. Holidays.

4-402. Annual vacation leave.

**4-401. Holidays.** Full time employees are allowed a day off with pay on the following ten (10) holidays:

New Years Day	January 1st
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving (2 days)	Fourth Thursday and Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

Employees must be in pay status (and not on leave without pay, for example) on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor in order to receive compensation for the holiday. No days of holiday leave will be accumulated and carried from one (1) year to another. Holiday leave may be taken anytime during the same calendar year in which it is earned and only after it has been accumulated. Employees who leave the employment of the City of Waynesboro are entitled to be reimbursed for holiday leave that has passed and not been used in the same calendar year. Employees will not be paid for holiday leave that has not yet passed. (Ord. #754, Aug. 2007)

**4-402. Annual vacation leave.** All full time employees who have worked for the City of Waynesboro for at least twelve (12) months shall be granted annual vacation leave in accordance with the schedule included herein. Such vacation leave shall be taken at a time approved by the city manager or such officer as designated. Upon separation, employees are entitled to be compensated for any unused vacation that he or she is due in the same calendar year.

#### COMPLETE SERVICE

After one (1) year  
 After five (5) years  
 After ten (10) years  
 After fifteen (15) years

#### VACATION CREDIT - PER YEAR

Five (5) days  
 Ten (10) days  
 Fifteen (15) days  
 Twenty (20) days

After twenty (20) years

Twenty (20) days plus one (1) day for each year of service after twenty (20) years

Annual leave, so far as practical, will be granted at the time desired by the employees, but annual leave in each department must be scheduled in such a manner as to assure orderly operation as well as adequate and continuous service to the public. Department heads must plan with employees in their department an orderly leave schedule. Vacation leave may be used for sick leave if the employee has deleted all their accumulated sick leave. As soon as practical, the employee must notify the pay clerk/recorder if they have exercised their option to use accrued vacation leave for sick leave or they will be subject to leave without pay. Employees may not carry forward vacation leave balance beyond the current calendar year. (Ord. #754, Aug. 2007)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION**<sup>1</sup>**CHAPTER**

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

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

- 5-101. Official depository for city funds.
- 5-102. Public advertisement and competitive bidding.

**5-101. Official depository for city funds.** The Bank of Waynesboro and the Wayne County Bank of Waynesboro, Tennessee, are hereby designated as the official depository for all municipal funds.<sup>2</sup> (1995 Code, § 5-101)

**5-102. Public advertisement and competitive bidding.** The amount required for public advertisement and competitive bidding in *Tennessee Code Annotated*, § 6-56-306 for the City of Waynesboro be increased to a maximum of ten thousand dollars (\$10,000.000). (Ord. #765, Feb. 2009)

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<sup>1</sup>Charter reference  
Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference  
*Tennessee Code Annotated*, § 6-22-120 prescribes depositories for city funds.

## CHAPTER 2

REAL PROPERTY TAXES<sup>1</sup>

## SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable to the recorder and delinquent on the dates prescribed in the charter. (1995 Code, § 5-201)

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<sup>1</sup>State law references

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

*Tennessee Code Annotated*, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of one-half (1/2) of one percent (1%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day each succeeding month.

<sup>2</sup>Charter references

*Tennessee Code Annotated*, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

**5-202. When delinquent--penalty and interest.**<sup>1</sup> All real property taxes becoming delinquent shall be subject to such penalty and interest as is authorized and prescribed by the charter.<sup>2</sup> (1995 Code, § 5-202)

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

<sup>2</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes;
- (2) Under *Tennessee Code Annotated*, §§ 6-55-201--6-55-206; or
- (3) By the county trustee under *Tennessee Code Annotated*, § 67-5-2005.



## CHAPTER 3

### PRIVILEGE TAXES GENERALLY

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (*Tennessee Code Annotated*, § 67-4-701, *et seq.*) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1995 Code, § 5-301)

**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 recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1995 Code, § 5-302)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in *Tennessee Code Annotated*, title 57, chapter 6.<sup>1</sup> (1995 Code, § 5-401)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-6-103 provides for a tax. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.
2. SPECIAL POLICE FORCE.

#### CHAPTER 1

### POLICE AND ARREST

#### SECTION

- 6-101. Department of Public Safety.
- 6-102. Police officers to preserve law and order, etc.
- 6-103. Police officers to wear uniforms and be armed.
- 6-104. When police officers to make arrests.
- 6-105. Police officers may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Department of Public Safety records.

**6-101. Department of Public Safety.** (1) The Department of Public Safety for the City of Waynesboro is hereby established. It shall consist of a qualified "chief of police" as the department head, and the director of the Department of Public Safety shall be responsible for his department employees, whether full time, part time or volunteer, as necessity dictates and as budget limitations as set by the city commission are applicable.

(2) The Department of Public Safety shall fall within the supervision of departments by the city manager as provided by *Tennessee Code Annotated*, § 6-21-108.

(3) The director for the department of public safety shall be set by the city commissioners as well as the budget for the department of public safety, with the understanding that the director shall be responsible for the preparation of said budget and the implementation of the budget, with supervision for the expenditure of all funds thereto assigned.

(4) The department of public safety shall establish its own policies and procedures, subject to the approval of the city commission and the city manager, and that said procedures not be in conflict with federal, state or city ordinances. (1995 Code, § 6-101)

**6-102. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Police

officers shall also promptly serve any legal process issued by the city court. (1995 Code, § 6-102)

**6-103. Police officers to wear uniforms and be armed.** All police officers shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1995 Code, § 6-103)

**6-104. When police officers 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 police officer in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person;
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person; or
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1995 Code, § 6-104)

**6-105. Police officers may require assistance in making arrests.** It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1995 Code, § 6-105)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the court of competent jurisdiction 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. (1995 Code, § 6-106)

**6-107. Department of Public Safety records.** The department of public safety shall keep a comprehensive and detailed daily record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits;
- (2) All arrests made by police officers; and
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the department of public safety. (1995 Code, § 6-107)

**CHAPTER 2****SPECIAL POLICE FORCE****SECTION**

6-201. Assistance to be furnished by the Wayne County Civil Defense.

**6-201. Assistance to be furnished by the Wayne County Civil Defense.** Upon the necessity of additional manpower and equipment, the Wayne County Civil Defense may be called for said special assistance on the following grounds:

(1) The Wayne County Civil Defense will be mobilized, or so much thereof as determined necessary by the Director of the Wayne County Civil Defense, upon the authority of the Mayor of the City of Waynesboro, or upon the request of the Waynesboro City Manager and Chief of Police. The city manager and chief of police must act jointly to institute the request of need; whereas, the mayor may act upon his authority alone;

(2) During the period of necessity and/or need, the Wayne County Civil Defense will operate under the direction and supervision of the chief of police, or in his absence, the Mayor of Waynesboro; or

(3) It is further understood that the chain of command above related will only apply to situations wherein the Wayne County Civil Defense has not been mobilized by the President of the United States of America, the Governor of the State of Tennessee, the Wayne County Judge, the Director of the Wayne County Civil Defense, or his executive officer. (1995 Code, § 6-301)

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

**CHAPTER 1****FIRE DISTRICT****SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be as follows: all buildings facing and adjacent to the Court House Square in the City of Waynesboro. (1995 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

## CHAPTER 2

### FIRE CODE

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Enforcement.
- 7-204. Violations and penalty.

**7-201. Fire code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from fire, or for other purposes, the *International Fire Code*,<sup>1</sup> 2012 edition; and *NFPA 101 Life Safety Code*,<sup>2</sup> 2012 edition, are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the fire codes.

**7-202. Available in recorder's office.** Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of these fire codes has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**7-203. Enforcement.** The fire inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the fire prevention code as herein adopted by reference. He is authorized and directed to make such inspections 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.

**7-204. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provisions of the fire codes as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

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<sup>1</sup>Copies of this code may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

## CHAPTER 3

### FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 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 appointed by the city manager and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1995 Code, § 7-301)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see *Tennessee Code Annotated*, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

##### Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

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



**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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1995 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. (1995 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 such written reports on those matters to the city manager once each month, and at the end of the year a detailed report shall be made. (1995 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the city manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1995 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1995 Code, § 7-306)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1995 Code, § 7-307)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Fire service outside city limits.

**7-401. Fire service outside city limits.** The city manager is hereby authorized to enter into agreements for the furnishing of fire protection beyond the corporate limits of the City of Waynesboro upon the following terms and conditions:

(1) Any individual, private corporation or business owning, leasing or renting real property outside the corporate limits of the City of Waynesboro, Tennessee, but within a radius of four (4) miles from the corporate limits of Waynesboro, Tennessee, and desiring to enter into a contract with the City of Waynesboro for fire protection for said property may apply for a subscription agreement between themselves and the city. Said contract shall state the name and address of the subscriber and location of the property for which protection is desired, and the name or names of persons, other than the subscriber, authorized to issue a call for such fire protection, upon the terms and conditions required by the City of Waynesboro.

Upon receipt of said subscriber's contract, and the fees hereinafter established, the subscriber will be placed on a list of eligible parties to be provided the fire protection desired by the subscriber.

All contracts shall be for a period of ten (10) years and shall be cancellable at the option of the city at the end of ten (10) years, or upon one (1) fire call to the property for which fire protection is sought.

The Fire Department of the City of Waynesboro shall answer only calls outside the city limits of Waynesboro, only when a subscriber's contract on the endangered property is in force. The Fire Chief of the City of Waynesboro shall only dispatch the No. 2 firetruck and such equipment and apparatus and personnel not needed to protect property within the City of Waynesboro from a fire or threat of fire or general conflagration.

All subscribers shall deposit with the Treasurer of the City of Waynesboro, at the time such contracts are entered into, the sum of three hundred dollars (\$300.00) for residential, or five hundred dollars (\$500.00) for business or commercial and said sums shall remain on deposit with the City of Waynesboro for the life of the contract.

All applicants shall agree that the City of Waynesboro will not in any manner be or become liable to the subscriber in damages or otherwise for any loss resulting from fire or otherwise to the property to be protected, nor shall the Commissioners of the City of Waynesboro be liable for any loss that may be sustained by the failure of the City of Waynesboro Fire Department to respond

to any such call, or for its failure to provide sufficient fire apparatus and equipment that may occur on the premises to be protected.

The contracts herein authorized may be cancelled by an ordinance of the City of Waynesboro, provided thirty (30) days' notice be given prior to the adoption of such ordinance. (1995 Code, § 7-401)

**CHAPTER 5****FIREWORKS****SECTION**

7-501. Sale of fireworks.

7-502. Shooting of fireworks.

7-503. Violations and penalty.

**7-501. Sale of fireworks.** The sale of fireworks within the city limits shall be confined to the following periods: June 20th through July 5th and December 10th through January 2nd. (1995 Code, § 7-501)

**7-502. Shooting of fireworks.** The shooting of fireworks within the city limits is prohibited except under the following conditions: Fireworks may be shot between the dates of June 20th thru July 5th and December 10th thru January 2nd; however, not on Sundays with the exception of New Years Eve or July 4th. Fireworks may be shot between the hours of 10:00 A.M. and 10:00 P.M., except on New Years Eve. Fireworks can only be shot on private property only, not on public streets or on the city square. (1995 Code, § 7-502)

**7-503. Violations and penalty.** The fine or penalty for violating any portion of this chapter shall be fifty dollars (\$50.00) plus court costs. (1995 Code, § 7-503)

## TITLE 8

ALCOHOLIC BEVERAGES<sup>1</sup>

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

## CHAPTER 1

INTOXICATING LIQUORS

## SECTION

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" is defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101. (1995 Code, § 8-101)

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, title 57.

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, title 39, chapter 17.

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

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

**8-201. Beer board established.** There is hereby established a beer board to be composed of the Waynesboro Board of Commissioners. The mayor shall be the chairman of the beer board. (1995 Code, § 8-201)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1995 Code, § 8-202)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc.,

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<sup>1</sup>State law reference

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

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. (1995 Code, § 203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1995 Code, § 204)

**8-205. Powers and duties of the beer board.** The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1995 Code, § 8-205)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101. (1995 Code, § 206)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish and pursuant to *Tennessee Code Annotated*, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Waynesboro. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (1995 Code, § 8-207)

**8-208. 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 1 to the City of Waynesboro, 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. (1995 Code, § 8-208, modified)

**8-209. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and

manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. 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. (1995 Code, § 8-209)

**8-210. Types of consumption permits.** Permits issued by a the beer board shall consist of one (1) type.

#### CLASS I

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

- (1) Be a grocery store or a convenience type market; and
- (2) In either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline; and
- (3) Have been in continuous operation for a period of six (6) months.

In addition, the monthly beer sales of any establishment that holds an off-premises permit shall not exceed seventy percent (70%) of the gross sales of the establishment. Any establishment which for two (2) consecutive months or for three (3) months in any calendar year has sales exceeding seventy percent (70%) of its gross sales, shall have its beer permit revoked. (1995 Code, § 8-210, as amended by Ord. #795, June 2014)

**8-211. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer at places within two hundred fifty feet (250') of any school, church or other place of public gathering measured in a straight line<sup>1</sup> from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. (1995 Code, § 8-212, as amended by Ord. #797, June 2014)

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<sup>1</sup>State law reference

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



**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, or any crime involving moral turpitude within the past ten (10) years. (1995 Code, § 8-213)

**8-213. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

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

(2) Make or allow any sales of beer between the hours of 12:00 Midnight and 6:00 A.M. on Monday through Saturday, and between the hours of 12:00 Midnight and 6:00 P.M. on Sundays, or on election days before and while the polls are lawfully open. In no event will on-premises sales of beer on Sundays be allowed;

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

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

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

(6) Allow drunk persons to loiter about his premises;

(7) Allow dancing on his premises, except for "Grandfathered" establishments;

(8) Allow pool or billiard playing in the same room where beer is sold;

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

In addition, it shall be unlawful for any permit holder to employ any person under the age of eighteen (18) on the premises in any capacity whatsoever. (1995 Code, § 8-214, as amended by Ord. #787, June 2013)

**8-214. Suspension and revocation of beer permits.** The beer board may suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (1995 Code, § 8-215)

**8-215. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the

alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) 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. 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. (1995 Code, § 8-216)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. TAXICABS.

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

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

**9-101. "Going out of business" sales.** It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1995 Code, § 9-101)

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<sup>1</sup>Municipal code references

Building, plumbing, wiring and residential regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### SECTION

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

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1995 Code, § 9-201)

**9-202. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations, nor to persons who sell produce that was grown on their own property. (1995 Code, § 9-202)

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

- (1) Name and physical description of applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold;

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<sup>1</sup>Municipal code references  
Privilege taxes: title 5.

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

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

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

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

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

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

(10) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the municipality to cover the cost of investigating the facts therein. (1995 Code, § 9-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes. The city recorder shall keep a permanent record of all permits issued. (1995 Code, § 9-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the 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 appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1995 Code, § 9-205)

**9-206. Loud noises and speaking devices.** No permittee, nor any person on his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1995 Code, § 9-207)

**9-207. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1995 Code, § 9-208)

**9-208. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any police officer or citizen. (1995 Code, § 9-209)

**9-209. Police officers to enforce.** It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1995 Code, § 9-210)

**9-210. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor; or

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

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee

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

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1995 Code, § 9-211)

**9-211. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1995 Code, § 9-212)

**9-212. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1995 Code, § 9-213)

## CHAPTER 3

### TAXICABS<sup>1</sup>

#### SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Transportation of more than one passenger at the same time.
- 9-316. Fares.

**9-301. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1995 Code, § 9-401)

**9-302. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.



recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1995 Code, § 9-402)

**9-303. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of three hundred thousand dollars (\$300,000.00) for bodily injury or death to any one person, seven hundred thousand dollars (\$700,000.00) for bodily injuries or death to more than one (1) person which are sustained in the same accident, and one hundred thousand dollars (\$100,000.00) for property damage resulting from any one (1) accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1995 Code, § 9-403)

**9-304. Revocation or suspension of franchise.** The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1995 Code, § 9-404)

**9-305. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless it 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 doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1995 Code, § 9-405)

**9-306. Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary

condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1995 Code, § 9-406)

**9-307. Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1995 Code, § 9-407)

**9-308. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1995 Code, § 9-408)

**9-309. Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police;
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license;
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle;
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs;
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application;
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses; and
- (7) Is familiar with the state and local traffic laws. (1995 Code, § 9-409)

**9-310. Revocation or suspension of driver's permit.** The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1995 Code, § 9-410)

**9-311. Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1995 Code, § 9-411)

**9-312. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1995 Code, § 9-412)

**9-313. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1995 Code, § 9-413)

**9-314. Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1995 Code, § 9-414)

**9-315. Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1995 Code, § 9-416)

**9-316. Fares.** The governing body of the City of Waynesboro shall regulate the rate of taxicab fares within the corporate limits of the city by resolution passed for that purpose. (1995 Code, § 9-417)

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

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

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1995 Code, § 10-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1995 Code, § 10-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1995 Code, § 10-103)

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<sup>1</sup>Wherever this title mentions dogs, it pertains to dogs and cats.

**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.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1995 Code, § 10-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. Further it shall be unlawful for any person to ride, lead, keep or be in charge of any horses, mules, ponies, or livestock, of any description upon the streets, roadways, sidewalks, or public thoroughfares of the City of Waynesboro during the time from sunset to sunrise except during parades or other authorized special events. (1995 Code, § 10-105)

**10-106. 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 health 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. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the governing body.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees to cover the costs of impoundment and maintenance. (1995 Code, § 10-107)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

10-201. Definitions.

10-202. Harboring vicious or noisy dogs or cats.

10-203. All dogs and cats to be vaccinated.

10-204. Disposition to be made of stray dogs and cats.

10-205. Concealing dog or cat in violation of chapter.

10-206. Penalty assessed against owners of dogs and cats within the corporate limits.

**10-201. Definitions.** (1) "Dog." All members of the dog family three (3) months of age or more found within the corporate limits of the City of Waynesboro.

(2) "Noisy dogs." Any dog which by frequent barking, whining or howling that annoys and disturbs the peace and quiet of any neighborhood within the corporate limits of the city.

(3) "Owner." Any person having a property right in and to a dog or cat, or who has a dog in his care, or acts as its custodian, or any person who permits a dog or cat to remain on or about any premises.

(4) "Pound." Any place provided or maintained by the City of Waynesboro for the keeping of dogs and cats pending their redemption or extermination.

(5) "Running at large." Running at large shall be the permitting by the owner of any dog or cat to trespass upon, into or about the public streets, highways, roads, alleys, public square or other public places within the City of Waynesboro, or to trespass upon the premises of another person, or to go upon the school grounds or play grounds.

However, nothing in this chapter shall be construed to prohibit any dog or cat from appearing upon any street or in any other public place in the City of Waynesboro, if such dog or cat is under the full control of the owner or attendant by being held with a chain, strap, rope or other leash of sufficient strength to prevent escape.

(6) "Vaccination." The injection of a rabies vaccine for dogs and cats, which meets the standards set out in *Tennessee Code Annotated*, § 68-8-102(5).

(7) "Vicious propensities." The natural or habitual inclination or tendency to do any act that will tend to endanger the person or property of another, including, but not limited to the habit of chasing bicycles, motorcycles, automobiles, trucks or other vehicles on either public or private property, or having a nature of ferociousness or disposition to mischief that might occasionally lead a dog or cat to attack human beings without provocation. (1995 Code, § 10-201)

**10-202. Harboring vicious or noisy dogs or cats.** It shall be unlawful for any person to own, keep or harbor any dog or cat having vicious propensities, as herein defined, or to own, keep, or harbor any noisy dog or cat as herein defined. (1995 Code, § 10-203)

**10-203. All dogs and cats to be vaccinated.** It shall be unlawful for any person to own, keep or harbor any dog or cat over the age of three (3) months which has not received a vaccination as herein defined, and it shall further be unlawful for any person to own, keep or harbor any dog or cat which does not wear an official tag evidencing such vaccination. (1995 Code, § 10-204)

**10-204. Disposition to be made of stray dogs and cats.**<sup>1</sup> Any dog or cat found running at large as herein defined may be seized by the chief of police, any police officer or any other public officer of the City of Waynesboro and placed in the pound. If such dog or cat is wearing a collar bearing identification of the owner, the owner shall be notified by personal contact or by the mail service.

The owner may appear within seven (7) days and redeem his dog or cat by paying a pound fee of fifty dollars (\$50.00) and a daily board charge of five dollars (\$5.00).

Unless the owner claims said dog or cat within seven (7) days and pays the fees herein provided, the dog or cat shall be sold to any individual desiring to purchase the same, upon the individual paying the pound fees and the daily board charge up to and including the day of sale, and, upon the individual having the dog vaccinated as herein provided, collaring said dog or cat and placing the official tag indicating the dog's or cat's vaccination on said collar. However, no vicious dog or cat, one that has recently bitten a person, or is suspected of being infected with rabies shall be sold. All dogs and cats held in confinement for more than seven (7) days shall be humanely destroyed. (1995 Code, § 10-205)

**10-205. Concealing dog or cat in violation of chapter.** It shall be unlawful for any person to hide, conceal, aid or abet in the hiding or concealing of any dog or cat owned, kept, or harbored in violation of any of the provisions of this chapter. (1973 Code, § 3-207)

**10-206. Penalty assessed against owners of dogs and cats within the corporate limits.** All citizens within the corporate limits of the City of Waynesboro owning dogs or cats shall be liable for their dogs or cats running at large, for harboring vicious or noisy dogs or cats, for failure to keep their dogs

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<sup>1</sup>For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see *Darnell v. Shapard*, 156 Tenn. 544, 3 S.W.2d 661 (1928).

or cats vaccinated, for allowing dogs or cats to roam at large not under the full control of the owner by way of chain, strap, rope or leash.

Upon being found guilty of violation of any provision of this chapter, the owner may be fined by the City Court of Waynesboro up to fifty dollars (\$50.00) for each offense plus reasonable court costs. (1995 Code, § 10-208)



## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.

#### CHAPTER 1

### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Possession, etc. alcoholic beverage, intoxicating drugs.

11-102. Minors in beer places.

#### **11-101. Possession, etc. alcoholic beverage, intoxicating drugs.**

It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption.

The possession and/or consumption of any alcoholic beverage or intoxicating drugs within the boundaries of the Waynesboro City Park is forthwith and henceforth unlawful. (1995 Code, § 11-101)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Residential and utilities: title 12.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See *Tennessee Code Annotated*, § 33-10-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

**11-102. Minors in beer places.** No minor shall loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1995 Code, § 11-102)

## CHAPTER 2

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-201. Anti-noise regulations.

**11-201. Anti-noise regulations.** It shall be unlawful for any person to make, continue or cause to be made or continued, any loud or unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety or welfare of others within the limits of the City of Waynesboro.

The following is an enumeration of loud or unnecessary noises, but such enumeration shall not be exclusive of any others not herein specifically named:

(1) Using, operating, or permitting to be played, used, or operated any radio receiving set, phonograph, or any musical instrument in such a manner or with such volume as to annoy or disturb the comfort and quiet of persons in any offices, hospital, dwelling, hotel, or any other type of residence or of any persons in the vicinity;

(2) The creation of any excessive noise or the discharge into the open air of any engine, stationary or mobile, except through a muffler or other device which will prevent loud or explosive noises therefrom, near schools, courts, offices, churches, hospitals and residences; and

(3) The use or operation for advertising or commercial purposes or for any purpose whatsoever on or upon the public streets or sidewalks in the City of Waynesboro or any device known as a sound truck, loud speaker, sound amplifier, radio, or phonograph with a loud speaker or sound amplifier attached thereto or any other instrument of any kind or character which emits therefrom loud noises and is attached to or upon any vehicle operating or standing upon the city streets or sidewalks; provided, however, sound trucks, loud speakers, amplifiers, or similar devices may be used for commercial or non-commercial purposes, provided a permit for such use shall be first obtained from the city manager who shall be satisfied as to the contemplated use prior to the issuance of such permit and who may revoke the same at any time he sees fit for just cause and before issuing such permit, the city manager shall be satisfied that the use of any sound amplifier, loud speaker, sound truck, phonograph, or like equipment shall in no way or by no means cause any street, alley, sidewalk, or passageway to become blocked or cut off because of the congregation of any crowd of people, and the city manager shall further be satisfied that the use of such equipment shall in no way disturb the peace and quiet of the inhabitants or people of the City of Waynesboro and provided further, that in such permit the city manager may limit the hours of the day and the number of days in which said permit may be used. (1995 Code, § 11-402)

**CHAPTER 3****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Discharge of firearms.

**11-301. Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1995 Code, § 11-601)

**11-302. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1995 Code, § 11-603)

## CHAPTER 4

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

11-401. Trespassing.

11-402. Interference with traffic.

11-403. Trespassing on trains.

**11-701. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall 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. (1995 Code, § 11-701)

**11-402. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1995 Code, § 11-703)

**11-403. 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. (1995 Code, § 11-704)

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

**1. BUILDING AND UTILITY CODES.**

**CHAPTER 1**

**BUILDING AND UTILITY CODES**

**SECTION**

12-101. State and county codes effective within city.

**12-101. State and county codes effective within city.** The building and utility codes in effect for the State of Tennessee shall also be effective within the corporate limits and shall be enforced by Wayne County personnel.

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. JUNKED MOTOR VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

**13-101. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (Ord. #772, March 2010)

**13-102. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent effectively the breeding of mosquitoes. (Ord. #772, March 2010)

**13-103. Weeds and grass.** Every owner or tenant of real property located within the municipality shall periodically cut the grass and other

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering generally: title 11.

Littering streets: § 16-107.

Property maintenance code: title 12.

Wastewater treatment: title 18, chapter 2.

vegetation commonly recognized as weeds on their property, and it shall be unlawful for any person to fail to comply with an order by the city manager or chief of police to cut/mow such vegetation and/or grass when it has reached a height of over seven inches (7"). Should owner(s)/tenant(s) fail to comply with said order within a fourteen (14) day period, the city will have the work completed at the owner's expense. (Ord. #782, Oct. 2011)

**13-104. Overgrown and dirty lots.** (1) Prohibition. It shall be unlawful for any owner or tenant of record of real property located within the city limits of the City of Waynesboro, to create, maintain, or permit to be maintained on such property the growth of trees, vines, shrubs, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, or to cause a negative appearance in the community. Owner(s)/tenant(s) of properties that do not comply will receive notice from the city manager or chief of police to cut all applicable trees, vines, shrubs, underbrush, and/or to clean up and remove any accumulations of any applicable debris, trash, litter, or garbage within fourteen (14) days. If owner(s)/tenant(s) fail to comply with notice within the fourteen (14) day period, the city will have the work completed at the owner's expense.

(2) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the City of Waynesboro Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and



(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within fourteen (14) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Wayne County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within fourteen (14) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (d) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (d) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the recorder within ten

(10) days following the receipt of the notice issued pursuant to subsection (c) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (d) above may seek judicial review of the order or act. The time period established in subsection (c) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #772, March 2010, as amended by Ord. #783, Oct. 2011)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the recorder and dispose of such animal in such manner as the recorder shall direct. (Ord. #772, March 2010)

**13-106. 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. (Ord. #772, March 2010)

**13-107. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #772, March 2010)

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

**13-202. 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 Waynesboro, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 13, chapter 21.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

**13-203. "Public officer" designated; powers.** The Waynesboro Chief of Police is hereby designated and appointed the "public officer" to exercise the powers prescribed by this chapter.

**13-204. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

**13-205. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

**13-206. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

**13-207. 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.

**13-208. 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, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, 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 as set forth in *Tennessee Code Annotated*, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer 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 Wayne County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Waynesboro to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

**13-209. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Waynesboro. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

**13-210. 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 Wayne County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

**13-211. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit,

issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

**13-212. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

**13-213. 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.

**13-214. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

**CHAPTER 3****JUNKYARDS****SECTION**

13-301. Junkyards.

13-302. Violations and penalty.

**13-301. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (Ord. #772, March 2010)

**13-302. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #772, March 2010)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of *Hagaman v. Slaughter*, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).



## CHAPTER 4

### JUNKED MOTOR VEHICLES

#### SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Violations and penalty.

**13-401. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

- (1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.
- (2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.
- (3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.
- (4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.
  - (b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:
    - (i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.
    - (ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.
    - (iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,

but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (Ord. #772, March 2010)

**13-402. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle. (Ord. #772, March 2010)

**13-403. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any

zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (Ord. #772, March 2010)

**13-404. Enforcement.** Pursuant to *Tennessee Code Annotated*, § 7-63-101, the chief of police is authorized to issue ordinance summons for violations of this ordinance on private property. The chief of police shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the chief of police finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the chief of police may request another police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, § 7-63-101 *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (Ord. #772, March 2010)

**13-405. Violations and penalty.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter each day the violation of this chapter continues shall be considered a separate violation. (Ord. #772, March 2010)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION.
4. PROHIBITION ON GROUNDWATER WITHDRAWALS IN CERTAIN AREAS.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties.
- 14-103. Regional planning powers.

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

Members other than ex officio members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the commission, he shall disqualify himself from taking part in action on the matter. (1995 Code, § 14-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1995 Code, § 14-102)

**14-103. Regional planning powers.** At such time as the Tennessee State Planning Office, acting pursuant to *Tennessee Code Annotated*, §§ 13-3-102 and 13-1-106 may designate the Waynesboro Municipal Planning Commission as a regional planning commission with planning jurisdiction over a planning region which includes the territory of the City of Waynesboro, then the Waynesboro Municipal Planning Commission shall have the additional powers granted by and shall otherwise be governed by the provisions of *Tennessee Code Annotated*, title 13 relating to regional planning commissions. To the extent that the State Planning Office may require initiative by the City of Waynesboro in creating a planning region containing the territory of the City of Waynesboro and in granting regional planning powers within such region to the Waynesboro Municipal Planning Commission, then such local initiative shall be within the powers hereby granted to and at the discretion of the Waynesboro Municipal Planning Commission. (1995 Code, § 14-103)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Waynesboro shall be governed by Ordinance Number 646, titled "Zoning Ordinance, Waynesboro, Tennessee," and any amendments thereto.<sup>1</sup> (1995 Code, § 14-201)

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<sup>1</sup>Ordinance #646, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

## CHAPTER 3

### FLOOD DAMAGE PREVENTION

#### SECTION

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

**14-301. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in *Tennessee Code Annotated*, §§ 13-7-201 to 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Waynesboro, Tennessee, mayor and city commission, do ordain as follows:

(2) Findings of fact. (a) The City of Waynesboro, Tennessee, mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Waynesboro, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase erosion of flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize flood blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a flood prone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #766, July 2009)

**14-302. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;



(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures; and

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the areas of special hazard have been defined as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means of official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood" or "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to

compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Waynesboro, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is

not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean-sea-level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement.

(a) This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this chapter.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (Ord. #766, July 2009)

**14-303. General provisions.** (1) Applications. This chapter shall apply to all areas within the incorporated area of the City of Waynesboro, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Waynesboro, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) Number 47181CV000A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 470201, 0184, 0185, 0192, 0195, 0203, 0205, dated, August 3, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Waynesboro, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Violations and penalty. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided



by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Waynesboro, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #766, July 2009)

**14-304. Administration.** (1) Designation of administrator. The city manager is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials and equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(ii) Elevation in relation to mean-sea-level to which any nonresidential building will be flood-proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2); and

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the

measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding;

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process;

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained;

(f) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2);

(g) Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and

substantially improved buildings have been floodproofed, in accordance with § 14-304(2);

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-304(2);

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Waynesboro, Tennessee FIRM meet the requirements of this chapter; and

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #766, July 2009)

**14-305. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods of practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of subsection (2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance the standards of this section: "enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction or substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of subsection (2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

(B) In expansions to existing manufactured home parks or subdivisions, or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of subsections (1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See subsection (5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other

development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Waynesboro, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2) where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2) where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of subsections (1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home



parcs and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Waynesboro, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2). Within approximate A Zones, require that those subsections of subsection (2), dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in subsections (1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet

(3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (2).

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305, shall apply.

(8) Standards for unmapped streams. Located within the City of Waynesboro, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality; and

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (Ord. #766, July 2009)

**14-306. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Waynesboro, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of zero (0) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Waynesboro, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation

will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such application, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges;

(11) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter; and

(12) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in subsection (1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #766, July 2009)

**14-307. Legal status provisions.** In case of conflict between this chapter and the whole or part of any existing or future ordinance of the City of Waynesboro, Tennessee, the most restrictive shall in all cases apply. (Ord. #766, July 2009)

## CHAPTER 4

### PROHIBITION ON GROUNDWATER WITHDRAWALS IN CERTAIN AREAS

#### SECTION

- 14-401. Purpose and intent.
- 14-402. Definitions.
- 14-403. Connection of real properties in identified area to public drinking system.
- 14-404. Prohibitions on installation of new wells and use of groundwater for potable and nonpotable water purposes in identified area.
- 14-405. Prohibition on cross-connection to publically provided water supply.
- 14-406. Permanent closure of existing wells located on any portion of real property in identified area.
- 14-407. Enforcement.
- 14-408. Costs incurred by city for violation shall be lien on property.
- 14-409. Powers of public officers.
- 14-410. Administrative appeal.
- 14-411. Miscellaneous.

**14-401. Purpose and intent.** (1) The purpose of this chapter is to provide for and protect the health, safety, and general welfare of the citizens of Waynesboro through the regulation of groundwater withdrawals and groundwater use in certain areas of the city (see subsection (4)). This chapter identifies the areas where groundwater withdrawal and use will be prohibited; prohibits the installation of any new groundwater withdrawal wells and the use of groundwater in those areas; requires the decommissioning of all existing groundwater withdrawal wells in those areas, prohibits the cross-connection of certain groundwater withdrawal wells in those areas; sets forth the methods and the timeframe within which the decommissioning of existing groundwater water withdrawal wells must occur, and establishes the legal authority to carry out all inspection, surveillance and monitoring necessary to ensure compliance with this chapter.

(2) This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(3) The city manager or designee shall administer, implement, and enforce the provisions of this chapter.

(4) See legal description and map as Exhibit A.<sup>1</sup> (Ord. #794, May 2014)

**14-402. Definitions.** The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them under the Tennessee Safe Drinking Water Act, the Tennessee Water Wells Act, and the Water Withdrawal Registration Act and as described in this section, except where the context clearly indicates a different meaning:

- (1) "City" means Waynesboro, Wayne County, Tennessee;
- (2) "Decommissioning" means the conversion of a nonpublic water well to a monitoring well or plugging and abandoning the well in accordance with Tennessee law;
- (3) "Groundwater" means "ground water" as defined by Tennessee law;
- (4) "Identified area" means the area identified in Exhibit A, and any additional area as identified by future resolution of the city;
- (5) "Nonpotable water" means groundwater that is unsuitable for direct human contact but is appropriate for other uses such as irrigation, landscaping, laundering, heating and cooling systems, fire control, street cleaning and controlling dust at construction sites;
- (6) "Owner" means the holder of the title in fee simple and every mortgagee of record of real property in the identified area;
- (7) "Person" means any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns;
- (8) "Potable water" means groundwater that is suitable for direct human contact and uses such as drinking, cooking, bathing, and some construction activities such as making concrete;
- (9) "Properly abandoned" means plugged and abandoned in accordance with Tennessee law;
- (10) "Public officer" means the building inspector or any other officer who is authorized by the city to exercise the powers provided in this chapter, or any agent of such officer; and
- (11) "Well" means a "well" as defined by Tennessee law, and may include a dewatering well, drilling or drilling operation, engineering borehole, individual water well, industrial well, irrigation well, monitoring well, nonpublic water well, and other water well; but for the purposes of this chapter alone, "well" shall not include any monitoring well, geoprobe, or other similar device or measuring instrument necessary to be installed or undertaken to comply with applicable local, state or federal environmental laws and regulations. (Ord. #794, May 2014)

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<sup>1</sup>Exhibit A to Ord. #794 may be found on file in the office of the recorder.

**14-403. Connection of real properties in identified area to public drinking system.** All portions of real property located within the identified area shall be served by and connected to the public water supply system. (Ord. #794, May 2014)

**14-404. Prohibitions on installation of new wells and use of groundwater for potable and nonpotable water purposes in identified area.** No new wells shall be installed or constructed on any portion of real property in the identified area. No groundwater beneath any portion of real property located within the identified area may be used for potable water purposes or for nonpotable water purposes, including but not limited to irrigation. This prohibition on use shall apply regardless of the manner in which the groundwater is brought to surface for use, including but not limited to natural artesian pressure in a well or in a spring or other natural feature. (Ord. #794, May 2014)

**14-405. Prohibition on cross-connection to publically provided water supply.** No connection or cross-connection shall be permitted between an existing, abandoned or closed well located on any portion of real property in the identified area and any public water supply system or piping for any potable water purposes. The construction, connection, use, maintenance, or continued existence of any illicit connection to a well located on any portion of real property in the identified area shall be prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. #794, May 2014)

**14-406. Permanent closure of existing wells located on any portion of real property in identified area.** Within sixty (60) calendar days after the effective date of this chapter, all wells located on any portion of real property in the identified area, whether currently or formerly used for potable or nonpotable purposes, shall be permanently decommissioned, either by converting to a monitoring well or by being properly plugged and abandoned in accordance with Tennessee law and all applicable guidance from the Tennessee Division of Water or the Tennessee Geological Survey. The city will decommission all applicable wells located on any portion of the identified area at the city's cost and expense, provided the property owner requests such decommissioning within thirty (30) days after the effective date of this chapter. In the event any well on any portion of property located within the identified area is required to be decommissioned under this chapter, the owner of such property shall notify the county within thirty (30) days of the permanent closure of such well, certifying that the well has been decommissioned in accordance with this chapter. (Ord. #794, May 2014)



**14-407. Enforcement.** (1) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this chapter or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) Whenever the city manager or designee finds that a person has violated a provision or failed to meet a requirement of this chapter, the city manager shall provide written notice of violation to the responsible person. The notice of violation shall contain:

(a) The name and address of the resident or lessee at the property;

(b) The street address or, if a street address is not available, a description of the property, structure or land upon which the violation or failure to comply is occurring;

(c) A description of the violation;

(d) A description of the measures necessary to bring the property into compliance and a time schedule for the completion of such measures; and

(e) A statement of the penalty or penalties, if any, that will or may be assessed against the person to whom the notice of violation is directed.

(3) Included in the notice of violation, whenever the city manager or designee finds that a person has violated a provision or failed to meet a requirement of this chapter, the city manager may issue an order to the responsible person to undertake any or all of the following actions:

(a) Decommission any and all temporary or permanent wells, including any related piping or equipment;

(b) Eliminate or disconnect any illicit groundwater connections, cross-connections or other uses;

(c) Cease and desist any uses of wells;

(d) Abate or otherwise correct any hazards to public health and safety created by the activity violating this chapter; and

(e) Pay all expenses and a fine to cover administrative costs.

(4) Any person receiving a notice of violation from the city manager may appeal the determination to the city board of commissioners. A written notice of appeal must be received by the recorder no later than ten (10) days after the date of the notice of violation, and the failure to file a written notice of appeal shall constitute a waiver of all claims. A hearing on the appeal before the city board of commissioners shall take place within thirty (30) days from the date the board of commissioners received the notice of appeal. The decision of the board of commissioners shall be a final action and may be appealed in accordance with Tennessee law.

If after twenty (20) days the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or if no appeal has been filed in a timely and appropriate manner, the city manager or designee shall have the authority to enter upon the real property, and is authorized to take any and all measures necessary to abate the violation, including but not limited to decommissioning the well. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or its designated contractor to enter upon the premises for the purposes set forth above.

(5) Any notice of violation or order issued by the city manager pursuant to this chapter shall be served upon each person in possession of the real property or to the record owner of the real property, in compliance with applicable law. Any person who is affected by an order issued pursuant to this chapter may petition the Circuit Court of Wayne County for an injunction restraining the city from carrying out the provisions of the order; provided, however, that such person shall present such petition to the court within fifteen (15) calendar days of the posting and service of the order of the city. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

(6) In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this article is deemed a threat to public health, safety, and welfare, and is declared a nuisance, and may be summarily abated or restored at the violator's expense; and a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the city or by any citizen permitted by law to file such an action to abate a nuisance.

(7) Any person that has purposefully violated or continues to violate this chapter after receipt of a notice of violation shall be liable to prosecution to the fullest extent of the law, and may be subject to a criminal penalty of fifty dollars (\$50.00) per violation per day. Each day a violation continues, after notification thereof shall be deemed a separate offense under this chapter. The city shall be entitled to recover all attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses, upon proof of the violation.

(8) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the city manager or designee to seek cumulative remedies. (Ord. #794, May 2014)

**14-408. Costs incurred by city for violation shall be lien on property.** (1) Within thirty (30) days after abatement of a violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The notification will include a description of the costs and expense

incurred by city, its employees or contractors. If the amount due is not paid within thirty (30) days of receipt of the notification, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation. Such lien shall attach to the real property upon payment of all costs by the city and the filing of an itemized statement of costs with the register's office of Wayne County, Tennessee, on a lien docket maintained by the clerk for such purposes.

(2) The city may enforce the collection of any amount due on such lien in the following manner:

(a) The owner shall be allowed to satisfy the amount due on such a lien by paying to the city within thirty (30) calendar days after the perfection of the lien, a sum of money equal to twenty-five percent (25%) of the total amount due and by paying the remaining balance due on such lien, together with interest at the rate of seven percent (7%) per year, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed in this subsection;

(b) If the property upon which such lien is perfected be sold, transferred, or conveyed by the owner or parties in interest at any time prior to the termination of the three (3) year period, then the entire balance due on such lien shall be due and payable by the selling party to the city; and

(c) Should the amount due on such lien, or any portion thereof, be unpaid after the passage of the three (3) year period, or upon the occurrence of the contingency provided for in subsection (b) of this section, the city may enforce the collection of any amount due on such lien as provided by Tennessee law. This procedure shall be subject to the right of redemption by any persons having any right, title, or interest in or lien upon said property. (Ord. #794, May 2014)

**14-409. Powers of public officers.** (1) The city manager shall have and exercise such powers as may be necessary and convenient to carry out and effectuate the purpose and provisions of this chapter, including but not limited to the following powers:

(a) To investigate real property located within the identified area to determine compliance with this chapter;

(b) To enter upon real property for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(c) To appoint and fix the duties of such officers, agents, contractors, and employees as the city manager deems necessary and convenient to carry out the purpose of this chapter; and

(d) To delegate any of said functions and powers under the chapter to such officers and agents as the city manager may designate. (Ord. #794, May 2014)

**14-410. Administrative appeal.** (1) In addition to the rights of appeal above, any person aggrieved or significantly affected by an action of the city manager pursuant to this chapter may present a grievance to the board of commissioners for a hearing within thirty (30) days of the decision or order of the city manager. In such case, the board of commissioners shall issue a written finding on the facts, evidence and arguments put forth at the hearing.

(2) Any person aggrieved or affected by the decision of the board of commissioners shall have the right to appeal the decision of the board of commissioners to the Circuit Court of Wayne County. Appeals to the circuit court shall be filed no later than 30 days after the date of the decision of the board of commissioners, and upon failure to file said appeal within thirty (30) days, the decision of the board of commissioners shall be final and not subject to appeal. (Ord. #794, May 2014)

**14-411. Miscellaneous.** (1) If any subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(2) Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof. The powers conferred by this chapter shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

(3) In the computation of time for actions or events under this chapter, if a time period ends on a Saturday, Sunday, or national holiday, the time period shall extend to the next business day. (Ord. #794, May 2014)

**TITLE 15****MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

**CHAPTER 1****MISCELLANEOUS<sup>2</sup>****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, § 55-10-101 *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-7-116; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. 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 *Tennessee Code Annotated*, title 55, chapter 9. (1995 Code, § 15-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street of the City of Waynesboro that is barricaded or closed for repairs or other lawful purpose. (1995 Code, § 15-102)

**15-103. 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. (1995 Code, § 15-104)

**15-104. 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; or
- (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. (1995 Code, § 15-105)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1995 Code, § 15-106)

**15-106. 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. (1995 Code, § 15-107)

**15-107. Miscellaneous traffic-control signs, etc.<sup>1</sup>** 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. At the scene of a fire, a fireman shall have police authority in the direction of traffic.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1995 Code, § 15-108)

**15-108. 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>2</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. (1995 Code, § 15-109)

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505 to 15-509.

<sup>2</sup>This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1995 Code, § 15-110)

**15-110. 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 municipal authority. (1995 Code, § 15-111)

**15-111. 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. (1995 Code, § 15-112)

**15-112. Driving through funerals or other processions.** Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1995 Code, § 15-113)

**15-113. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1995 Code, § 15-114)

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1995 Code, § 15-115)

**15-115. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1995 Code, § 15-116)



**15-116. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1995 Code, § 15-117)

**15-117. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1995 Code, § 15-118)

**15-118. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law"<sup>1</sup> or the "Uniform Classified and Commercial Driver Licence Act of 1988."<sup>2</sup> (1995 Code, § 15-119)

**15-119. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, title 55, chapter 1

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, title 55, chapter 50

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. (1995 Code, § 15-120)

**15-120. Damaging pavements.** No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. No vehicle, motor propelled, or otherwise, with its weight in excess of twenty (20) tons (forty thousand (40,000) pounds) shall be operated within the confines of Andrew Jackson Street because of its propensity to damage the surface and foundation of said street. (1995 Code, § 15-121, as amended by Ord. #807, March 2016)

**15-121. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooters.

No person operating or riding a bicycle, motorcycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles (1995 Code, § 15-122)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1995 Code, § 15-201)

**15-202. 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 five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1995 Code, § 15-202)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1995 Code, § 15-203)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1995 Code, § 15-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones and near playgrounds.
- 15-304. In congested areas.
- 15-305. Highway 64 East.
- 15-306. Highway 99 East.
- 15-307. Highway 13 North.
- 15-308. Highway 64 Bypass.
- 15-309. Old Highway 64 West.
- 15-310. Clifton Turnpike.
- 15-311. Dry Hollow Road.
- 15-312. Pointer Road.
- 15-313. Porter Road.
- 15-314. Shake Rag Access Road.
- 15-315. Walker Road.

**15-301. In general.** No person shall drive or operate a motor vehicle on any street, road, or alley within the corporate limits of the City of Waynesboro at a rate of speed in excess of thirty (30) miles per hour, unless otherwise posted. (1995 Code, § 15-301)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1995 Code, § 15-302)

**15-303. In school zones and near playgrounds.** No person shall drive or operate a motor vehicle at a speed in excess of fifteen (15) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present or during a period of ninety (90) minutes before opening and ninety (90) minutes after closing of the school unless an engineering study has been performed for any school not on a state highway. (1995 Code, § 15-303)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed

in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1995 Code, § 15-304)

**15-305. Highway 64 East.** No person shall drive or operate a vehicle in excess of thirty (30) miles per hour, commencing at the East end of the Green River city bridge to a point and property line of Larry Staggs and Lonnie Gallaher, Jr., said property being on the North side of U. S. Highway 64, East of the hospital curve, and directly opposite a lot and property owned by M. T. Steele, Jr., and Earl Copous. U.S. Highway 64 East from GPS reading 173 S, 35 19" 28 N, 87 45" 9 W commonly known as O'Reilly's Auto Parts 410 Highway 64 East Waynesboro, Tennessee, at which point speed limit sign displaying forty-five (45) miles per hour will be posted, and effective to the East corporate city limit boundary. (1995 Code, § 15-305, as amended by Ord. #791, Jan. 2014)

**15-306. Highway 99 East.** No person shall drive or operate a motor vehicle in excess of thirty (30) miles per hour commencing at the intersection of Barlow, State Route 99, Old Highway 64 East, with the intersection of the New Highway 64 East, to the city limits. (1995 Code, § 15-306)

**15-307. Highway 13 North.** U.S. Highway 13 North from GPS reading 35 19' 28" N, 87 45' 51" W commonly known as Waynesboro Mini Storage 205 North High Street, Waynesboro, Tennessee, at which point speed limit sign will be displaying forty-five (45) miles per hour will be posted, and effective to the North corporate city limit boundary. (Ord. #806, Jan. 2016)

**15-308. Highway 64 Bypass.** In order to provide ability for semi trucks to more easily overcome the steep grade that begins at Highway 64 Bypass Bridge, a fifty-five (55) miles per hour speed limit sign shall be placed, so that it is observable for westbound traffic, just east of Highway 64 Bypass Bridge. The present speed limit of forty (40) miles per hour, observable to eastbound traffic, will remain in effect due to the specific hazards of an intersection, sharp curve, and traffic light. (Ord. #760, March 2008)

**15-309. Old Highway 64 West.** A forty-five (45) miles per hour speed limit sign shall be placed so that it is observable for eastbound traffic traveling Old Highway 64 West having just exited Highway 64 Bypass. Upon completion, no person shall drive or operate a motor vehicle on Highway 64 West, commencing at the intersection of Highway 64 Bypass and ending at the bottom of Shake Rag Hill, at a speed in excess of forty-five (45) miles per hour. The current forty-five (45) miles per hour speed limit sign at the bottom of Shake Rag Hill, viewable to eastbound Old Highway 64 motorists, shall be modified to read thirty (30) miles per hour. A "Reduced Speed Ahead" sign shall be located an appropriate distance west of the newly modified thirty (30) miles per hour sign. Upon completion, no person shall drive or operate a motor vehicle on

Highway 64 West commencing at the bottom of Shake Rag Hill and ending at the Public Square, in excess of thirty (30) miles per hour. (Ord. #760, March 2008)

**15-310. Clifton Turnpike.** No person shall drive or operate a motor vehicle on Clifton Turnpike, commencing at the intersection of Highway 64 West (North High Street) and ending at the intersection of Highway 64 Bypass, at a rate of speed in excess of thirty (30) miles per hour. (Ord. #761, March 2008)

**15-311. Dry Hollow Road.** No person shall drive or operate a motor vehicle on Dry Hollow Road, commencing at the intersection of Highway 64 West and ending at the property line of Greenway Lumber, at a rate of speed in excess of twenty (20) miles per hour. (Ord. #761, March 2008)

**15-312. Pointer Road.** No person shall drive or operate a motor vehicle on Pointer Road, commencing at the intersection of Porter Road and ending at the intersection of Clifton Turnpike, at a rate of speed in excess of twenty (20) miles per hour. (Ord. #761, March 2008)

**15-313. Porter Road.** No person shall drive or operate a motor vehicle on Porter Road, commencing at the intersection of Clifton Turnpike and in a dead ending at the current drive of Carl Skelton, at a rate of speed in excess of twenty (20) miles per hour. (Ord. #761, March 2008)

**15-314. Shake Rag Access Road.** No person shall operate a motor vehicle on Shake Rag Access Road, commencing at the intersection of 64 West and dead ending in a small subdivision, at a rate of speed in excess of twenty (20) miles per hour. (Ord. #761, March 2008)

**15-315. Walker Road.** No person shall or operate a motor vehicle on Walker Road, commencing at the intersection of 64 West and ending at the intersection of Clifton Turnpike, and a rate of speed in excess of twenty (20) miles per hour. (Ord. #761, March 2008)

## CHAPTER 4

**TURNING MOVEMENTS****SECTION**

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1995 Code, § 15-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1995 Code, § 15-402)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (1995 Code, § 15-403)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1995 Code, § 15-404)

**15-405. U-turns.** U-turns are prohibited. (1995 Code, § 15-405)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.



## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian-control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge of curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1995 Code, § 15-501)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1995 Code, § 15-502)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1995 Code, § 15-503)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train;
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train;
- (3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1995 Code, § 15-504)

**15-505. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1995 Code, § 15-505)

**15-506. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1995 Code, § 15-506)

**15-507. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(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. (1995 Code, § 15-507)

**15-508. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by 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 § 15-504 of this code. (1995 Code, § 15-508)

**15-509. At pedestrian control signals.** Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the 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. (1995 Code, § 15-509)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1995 Code, § 15-510)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Unlawful to occupy more than one parking meter space.
- 15-607. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the 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 inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1995 Code, § 15-601)

**15-602. 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 at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). No person shall angle park any truck with utility beds of a length in excess of ten feet (10') in the public square. (1995 Code, § 15-602)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the

street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1995 Code, § 15-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the municipality, nor:

- (1) On a sidewalk;
  - (2) In front of a public or private driveway;
  - (3) Within an intersection or within fifteen feet (15') thereof;
  - (4) Within fifteen feet (15') of a fire hydrant;
  - (5) Within a pedestrian crosswalk;
  - (6) Within fifty feet (50') of a railroad crossing;
  - (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance;
  - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
  - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (10) Upon any bridge; or
  - (11) Alongside any curb painted yellow or red by the municipality.
- (1995 Code, § 15-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1995 Code, § 15-605)

**15-606. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking space or otherwise so that such vehicle is not entirely within the designated parking space; provided, however, that vehicles which are too large to park within one (1) space may be permitted to occupy two (2) adjoining spaces. (1995 Code, § 15-606)

**15-607. 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. (1995 Code, § 15-607)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Deposit of driver's license in lieu of bail.
- 15-706. Violations and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, 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. (1995 Code, § 15-701)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1995 Code, § 15-702)

**15-703. Illegal parking.** Members of the police department are directed to issue parking citations to persons violating parking regulations in the City of Waynesboro. Such notice may be executed by service upon the violator personally or by affixing such citation to the offending vehicle. The citation shall direct the violator to present said citation at a designated place on or before the fixed date and hour shown thereon. The issuance of a citation in lieu of arrest for violation of the aforesaid parking regulations is a matter of discretion with the officer.

All citations issued for illegal parking shall contain the license number, the make of the offending vehicle, the specific type of violation, and the direction to the violator to answer the charge specified therein at the time and place

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<sup>1</sup>State law reference

*Tennessee Code Annotated, § 7-63-101 et seq.*

designated within forty-eight (48) hours. All duplicate citations shall be filed with the recorder. (1995 Code, § 15-703)

**15-704. Impoundment of vehicles.** Members of the police department may impound any motor vehicle illegally parked on any street, alley, or thoroughfare within the City of Waynesboro which has been parked more than twenty-two (22) hours in excess of the time lawfully permitted, or in any case where the improperly parked vehicle has two (2) previous violations which have not been satisfied. Any person having a lawful right to possession of an impounded vehicle may redeem such vehicle by paying all fines assessed for violation or violations against it together with any impoundment costs. (1995 Code, § 15-704)

**15-705. Deposit of driver's license in lieu of bail.** Pursuant to *Tennessee Code Annotated*, §§ 55-50-801 to 55-50-805 whenever any person lawfully possessed of a chauffeur's or operator's license heretofore issued to him by the Department of Safety, State of Tennessee, or by any other Department of Safety of any of the states of the United States, is issued a citation and charged with a violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug, or leaving the scene of an accident; said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail, in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of *Tennessee Code Annotated*, §§ 55-50-801 to 55-50-805 and any implementing order of the Department of Safety, State of Tennessee. (1995 Code, § 15-705)

**15-706. Violations and penalty.** Any violation of this title shall be a civil offense punishable as follows:

(1) **Traffic citations.** Traffic citations and parking violations other than parking meter and handicapped parking violations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) **Parking citations.** Handicapped parking. Illegal parking in a handicapped parking space shall be punished by a civil penalty of fifty dollars (\$50.00). (1995 Code, § 15-706, as amended by Ord. #759, March 2008)



## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. NUMBERING SYSTEM FOR BUILDINGS AND PROPERTIES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1995 Code, § 16-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen feet (14'). (1995 Code, § 16-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1995 Code, § 16-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1995 Code, § 16-104)

**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 any public street or alley except when expressly authorized by the governing body. (1995 Code, § 16-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1995 Code, § 16-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1995 Code, § 16-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1995 Code, § 16-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1995 Code, § 16-109)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1995 Code, § 16-110)

**16-111. 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. It shall 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. (1995 Code, § 16-111)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1995 Code, § 16-112)

**16-113. 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. (1995 Code, § 16-113)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business and said permit shall be retroactive to the date when the work was begun. (1995 Code, § 16-201)

**16-202. Applications.** Applications for such permits shall be made to the city manager or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of *City of Paris, Tennessee v. Paris-Henry County Public Utility District*, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1995 Code, § 16-202)

**16-203. Fees.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1995 Code, § 16-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city manager may 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 this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1995 Code, § 16-204)

**16-205. Manner of excavating—barricades and lights—temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1995 Code, § 16-205)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the

excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, 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. (1995 Code, § 16-206)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person and seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident. (1995 Code, § 16-207)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the 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 city manager. (1995 Code, § 16-208)

**16-209. Supervision.** The city manager 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. (1995 Code, § 16-209)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1995 Code, § 16-210)

## CHAPTER 3

### NUMBERING SYSTEM FOR BUILDINGS AND PROPERTIES

#### SECTION

- 16-301. Uniform numbering system.
- 16-302. Assignment of numbers.
- 16-303. Administration.
- 16-304. Violations and penalty.

**16-301. Uniform numbering system.** A uniform system of numbering properties and principal buildings as shown on the map identified by the title *Waynesboro Street Numbering System* which is filed in the office of the city recorder, is hereby adopted for use in the City of Waynesboro, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1995 Code, § 16-301)

**16-302. Assignment of numbers.** (1) All properties or parcels of land within the corporate limits of Waynesboro, Tennessee shall hereafter be identified by reference to the uniform numbering system adopted herein, provided; all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six (6) months from the date of passage of this chapter.

(2) A separate number shall be assigned for each twenty feet (20') or fifty feet (50') of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals may be obtained from the city recorder, as provided in § 16-303. (1995 Code, § 16-302)

**16-303. Administration.** (1) The city recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he or she shall be guided by the provisions of § 16-302.

(2) The recorder shall keep a record of all numbers assigned under this chapter.

(3) The city recorder shall issue to any property owner in Waynesboro upon request a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to each building under the provisions of this chapter.



Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1995 Code, § 16-303)

**16-304. Violations and penalty.** Violation of this chapter shall be a misdemeanor and may be punished by a fine of one dollar (\$1.00) to fifty dollars (\$50.00). Each separate day such violation is continued shall constitute a separate offense. (1995 Code, § 16-304)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Garbage and refuse collection.
- 17-102. Customer classifications.
- 17-103. Monthly rates and collection rates.
- 17-104. Collection service standards.
- 17-105. Removal or collection by unauthorized individuals.
- 17-106. Unauthorized use of bin/container.
- 17-107. Collection of non-resident refuse/garbage.
- 17-108. Movement of refuse from one premises to another.
- 17-109. Establishment of collection routes and days.
- 17-110. Collection during specific holidays.
- 17-111. Hours and days of collection.
- 17-112. Violations and penalty.

**17-101. Garbage and refuse collection.** The City of Waynesboro, Tennessee, shall hereafter provide to its residents a service of garbage/refuse collection. All individuals, firms, or corporations located within the City Limits of Waynesboro shall be required to make use of such service. (1995 Code, § 17-101)

**17-102. Customer classifications.** The following definitions shall apply to the type of service to be provided to the residents of Waynesboro. Such definitions of customer service shall additionally determine the fee structure applicable to each firm, individual, or corporation. The following definitions are provided:

(1) "Bin/container collection." Any retail, service, professional, industrial and commercial establishment located within the corporate limits of the City of Waynesboro generating an equivalent of more than ten (10), thirty (30) gallon bags of refuse/garbage per week shall be required to be collected

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

through the use of bins/containers. Monthly fees for service shall be based upon a standardized rate system that depends upon the weekly volume of refuse collected, the frequency of collection and the number of bins/containers needed to service the customer.

(2) "Residential unit." A standard detached or attached single family dwelling unit located within the corporate limits of the City of Waynesboro. Such unit is occupied by a family or group of individuals not to exceed twelve in number. Apartments, mobile homes, or condominiums whether of single or multi story construction, consisting of twenty-four (24) or less contiguous or separate units shall be considered for billing purposes as single dwelling units and billed accordingly. Residential dwelling units shall be limited to a maximum weekly volume of five (5), thirty (30) gallon bags or equivalent per unit for collection purposes.

(3) "Singular person residential." The same definition of a "residential" dwelling unit defined above except that such unit shall house only one (1) occupant. Individuals declaring such status shall be required to sign and file necessary documentation for status certification declared necessary by the City of Waynesboro. Singular person residential dwelling units shall be limited to a maximum weekly volume of two (2), thirty (30) gallon bags or equivalent per unit for collection purposes.

(4) "Small business." Retail, service, professional, industrial and commercial establishments located within the corporate limits of the City of Waynesboro generating no more than an equivalent of ten (10), thirty (30) gallon bags of garbage/refuse per week. Such customers may elect to have bin/container collection solely at their discretion and cost. (1995 Code, § 17-102)

**17-103. Monthly rates and collection rates.** (1) The schedule of rates and charges shall be established by resolution of the city commission.

(2) Method of charging and billing fees. All refuse/garbage collection and disposal charges shall be billed through the city's present water and sewer billing department. The collection shall be due and payable on the same date as the water and/or sewer billings are due. The fees<sup>1</sup> fixed under the terms and provisions of this chapter shall be directed to the property owner, occupant or lessee of the premises. Water service may be discontinued for failure to pay the collection service fee. Any person making application for water service shall be deemed to have applied for refuse/garbage collection service and shall be considered a customer of the refuse/garbage collection service until such times as water service to such individual has been discontinued. (1995 Code, § 17-103)

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<sup>1</sup>Charges for service, as listed in Ord. #801, Sept. 2014, and any amendments thereto, may be found in the office of the recorder.

**17-104. Collection service standards.** (1) Residential, singular person residential and small business. (a) Mandatory bag required. All trash, rubbish, grass, yard clippings, refuse or garbage shall be placed and enclosed in a fastened plastic garbage bag or trash bag as commonly sold in retail stores. All bags shall be of a size of less than thirty (30) gallons or equivalent and so loaded as to prevent the bag from bursting. The contents of all bags shall be so protected in a manner that will prevent wind from blowing and scattering trash over adjacent public and private property and will prevent animal intrusion.

(b) Collection of tree limbs, bulky objects, white goods, etc. The collection of tree trimmings, appliances, furniture and bulky objects shall occur during the days established for residential refuse collection. Tree trimmings, loose materials and other such materials must be bagged, bundled or placed in a disposable container in lots not to exceed thirty (30) pounds in weight and not to exceed four feet (4') in length.

(c) Mandatory curbside collection required. Each receptacle, bag, bundle or object for collection shall be placed at the curbside for collection. Curbside refers to that portion of right of way adjacent to paved or traveled city roadways. Such items shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. The City of Waynesboro acting through its official representatives shall make the final determination of the point of collection.

(2) Bin/container collection. (a) Individual agreement with each customer. The City of Waynesboro shall provide a bin/container collection system for non residential customers generating an equivalent of more than ten (10), thirty (30) gallon bags of refuse per week. The city shall contract with each customer in an attempt to provide adequate services. The city reserves the right to increase the number of containers and/or the frequency of collection for the individual customer in order to protect the health, safety and welfare of the citizens of the community and to bill the customer for such changes in services accordingly.

(b) Waste not contained in dumpster/bin. All refuse/garbage generated by the customer must be contained in the bin/container provided by the city. The City of Waynesboro shall not assume any responsibility for the collection and disposal of any waste, refuse or garbage not placed in bin/container.

(c) Location of bin/containers. Bins/containers shall be placed so that they are readily accessible in all weather conditions at the outside location, on a hard surface in accordance with the individual customer's agreement. The city may refuse to collect bins/containers not so placed. The customer shall be responsible for properly maintaining the drive or accessway required to access the bin/containers.

(3) Wastes generated by contractor for hire. Waste and refuse generated by contractors for hire, including but not limited to: construction, remodeling, repair, tree trimming, tree removal, debris removal, razing, land clearing, roofing, appliance repair and installation, will not be collected in accordance with the provisions of this chapter. Disposal of wastes/garbage/refuse generated by a contractor for hire will be collected only at a pre-negotiated rate with the city or at the individual responsibility of the contractor. Contractors shall be fully and legally responsible for any refuse, garbage, or waste not collected and disposed of by the City of Waynesboro. (1995 Code, § 17-104)

**17-105. Removal or collection by unauthorized individuals.** The removal of refuse/garbage by any individual, firm, or corporation, except as specified in § 17-104, other than the City of Waynesboro, or its authorized agents is strictly prohibited. (1995 Code, § 17-105)

**17-106. Unauthorized use of bin/container.** The placement of refuse/garbage in a collection bin/container without the express permission of the contracted customer is prohibited. (1995 Code, § 17-106)

**17-107. Collection of non-resident refuse/garbage.** The placement for collection of any non-resident refuse/garbage within the City of Waynesboro, is prohibited. (1995 Code, § 17-107)

**17-108. Movement of refuse from one premises to another.** The relocation or movement of refuse from one premises to another premises for collection purposes is prohibited. (1995 Code, § 17-108)

**17-109. Establishment of collection routes and days.** The City of Waynesboro shall establish routes and days for collection services. The city shall inform the general public of any changes in collection routes and/or days through a notice published in a newspaper of local circulation. Such notice shall be published a minimum of ten days before the implementation of proposed change. (1995 Code, § 17-109)

**17-110. Collection during specific holidays.** Refuse/garbage collection will not be performed on the established holidays. Routes not collected on these holidays will be rescheduled for collection either immediately before or after the respective holiday. Customers shall be informed of collection change resulting from the observation of a holiday by newspaper notice. (1995 Code, § 17-110)

**17-111. Hours and days of collection.** Refuse/garbage collection will not commence before the hour of 7:00 A.M. nor continue after 6:00 P.M., Monday through Saturday. (1995 Code, § 17-111)

**17-112. Violations and penalty.** Any person, firm or corporation failing to meet or violating the provisions of this chapter shall be guilty of a misdemeanor and shall be fined a sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) and each day of violation shall constitute a separate offense. (1995 Code, § 17-112)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWERS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Main extensions.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Schedule of rates.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #757, Dec. 2007)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(2) "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.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "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.

(6) "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. (Ord. #757, Dec. 2007)

**18-103. Obtaining service.** A formal application together with a non-refundable service fee of fifty dollars (\$50.00) shall be placed with the recorder before water service and/or meter installation orders will be issued. (Ord. #757, Dec. 2007)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form 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 these rules, regulations, and general practice, the liability



of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (Ord. #757, Dec. 2007)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (Ord. #757, Dec. 2007)

**18-106. Connection charges.** The following are water service connection charges both inside and beyond the corporate limits of the city:

Three quarter inch (3/4") connection including not over thirty feet (30') of pipe or property line . . . . .	\$750.00
One inch (1") connection including not over thirty feet (30') of pipe or property line . . . . .	\$850.00
One and one half inches (1 1/2") connection including not over thirty feet (30') of pipe or property line . . . . .	\$1,400.00
Two inches (2") connection including not over thirty feet (30') of pipe or property line . . . . .	\$2,000.00

For all services requiring pipe in excess of two inches (2") in diameter, the connection charge shall be based on the actual cost of the installation.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (Ord. #757, Dec. 2007)

**18-107. Main extensions.** The policy of the City of Waynesboro with reference to the extension of trunk mains for water services within and without the corporate limits of the City of Waynesboro is hereby declared to be as follows:

A trunk main is defined to be a water main of at least six inches (6") in diameter and extending along a public street and/or right of way, abutted by more than one (1) parcel of real property and owned by more than one (1) person, firm, or corporation.

If funds are available, the city's policy for extending a six inch (6") water main shall be to extend said water main along said public street or right of way for a distance of seventy-five feet (75') at the expense of the city, for the benefit of each consumer applying for water service extending beyond seventy-five feet (75') such extension will be made at the consumer's expense, and any person or persons making application for water service of seventy-five feet (75') extension or more shall first deposit with the recorder of the City of Waynesboro an amount of money, to be equally divided among them, equal to the estimated cost

of the extension beyond seventy-five feet (75'); provided that after completion of the extension, any excess deposit shall be refunded, or any balance due shall be paid by the consumer or consumers.

All extensions beyond seventy-five feet (75') per consumer shall be at the expense of the applicant except for mains larger than six inches (6") in diameter. When the city requires a main larger than six inches (6") in diameter to be installed for future extension for the improvement of the city's system, the city will pay the difference between the cost of the six inch (6") main and the cost of the main which is installed, and which has a diameter of more than six inches (6").

The size of the main to be installed shall be exclusively within the discretion of the city.

Annually, as of January 1st of each year, for the first five (5) years after the completion of such extensions, the city will ascertain the number of additional consumers who have been connected to such main during the previous twelve (12) months period and shall, within ninety (90) days thereafter, make reimbursement to the original applicant or applicants of an amount equal to the cost of seventy-five feet (75') of such extension for each additional consumer. No reimbursement shall be made for additional consumers connected to such main after such five (5) year period, and in no event shall the total amount of reimbursement exceed the amount paid as a contribution on the construction cost.

Temporary connections to said extensions will not be considered as consumers in connection with this section.

In the event the City of Waynesboro desires fire hydrants to be installed along an extended main, the cost of such installation shall be borne by the city.

The city may connect a main to, or extend a main from, any other main which has previously been installed in accordance with the above terms without obligation to the applicant of said previously installed main. Connections for such extensions will not be considered as being a consumer connection as applicable under the provisions of this section.

No application for the extension of water mains will be considered until all meter connection charges and deposits then in existence have been paid to the city by each consumer to be connected immediately on completion of construction.

Provided, however, that in cases where it will be necessary to cross under highways, or other unusual conditions exist, the seventy-five foot (75') extension by the city shall not apply and said crossing or tunneling under said highway shall be within the discretion of the city, and in any event, the consumer or consumers shall bear the cost of same. (Ord. #757, Dec. 2007)

**18-108. Main extensions to other areas.** Any applicant desiring to have water and/or sewerage service made available to a particular area or

subdivision and/or to be served by the water and sewerage system of the City of Waynesboro, shall:

(1) At his own expense prepare detailed plans and specifications of the distribution system in conformance with the regulations of the City of Waynesboro;

(2) Secure the approval of the plans and specifications from the planning commission or the mayor and city commission;

(3) Secure bids from competent and reliable contractors for the furnishing of materials, labor, and service therefor;

(4) At his own expense, construct the distribution system in accordance with the specifications in a good and workmanlike manner and furnish all materials, labor and service therefor;

(5) Furnish to the city, evidence that all bills and charges for labor and materials and other services used in the construction have been paid;

(6) Transfer and convey by written instrument, as required by the city, the distribution system, when completed to the city, free from all liens of every kind; and

(7) Make no tapping or connection charge to the city or any person taking service from the system.

If the entire cost of construction and installation of such system is approved by the city, and if it is conveyed and transferred to the city free from all liens and encumbrances and if the applicant keeps and performs his agreements and undertakings as set forth above,

(a) The city will permit the system to be connected onto the city's distribution system and will furnish water and/or sewerage service to each customer within the area or subdivision after the installation of a city-owned water meter for each service.

(b) The city will charge for water and/or sewerage service at the rates currently being charged other customers in similar locations.

(c) Annually, as of January first of each year, for the first five (5) years after the completion of such extension, the city will determine the gross amount of revenue collected from such extension during the previous twelve (12) month period and shall within ninety (90) days thereafter, make reimbursements to the installer of an amount equal to fifty percent (50%) of such gross revenue. No reimbursement shall be made after such five (5) year period, and in no event shall the total amount of reimbursement exceed fifty percent (50%) of the installer's gross investment for such extensions. Temporary connections to said extensions will not be considered as consumers in connection with this sections. (Ord. #757, Dec. 2007)

**18-109. 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 §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (Ord. #757, Dec. 2007)

**18-110. 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. (Ord. #757, Dec. 2007)

**18-111. Meter tests.** The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$25.00
1-1/2", 2"	\$25.00
3"	\$50.00
4"	\$75.00
6" and over	\$100.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (Ord. #757, Dec. 2007)

**18-112. Multiple services through a single meter.** No customer shall supply water service to more than one (1) 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 (1) 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 and charges 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. (Ord. #757, Dec. 2007)

**18-113. Billing.** Bills for residential service will be rendered monthly, shall be itemized and contain both water and sewer charges.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality, and contain itemized water and sewer charges.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate of ten percent (10%) shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be delivered to the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The delivery of such notice shall result in an additional charge of twenty dollars (\$20.00) to the customer. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (Ord. #757, Dec. 2007, as amended by Ord. #\_\_, April 2013)

**18-114. Discontinuance or refusal of service.** The city manager shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations;
- (2) The customer's application for service; or
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (Ord. #757, Dec. 2007)

**18-115. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of twenty dollars (\$20.00) shall be collected by the municipality before service is restored. (Ord. #757, Dec. 2007, as amended by Ord. #\_\_\_, April 2013)

**18-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period; and

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (Ord. #757, Dec. 2007)

**18-117. Access to customers' premises.** The city manager or an employee designated by him 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. (Ord. #757, Dec. 2007)

**18-118. Inspections.** The city manager 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. (Ord. #757, Dec. 2007)

**18-119. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #757, Dec. 2007)

**18-120. Customer's responsibility for violations.** Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #757, Dec. 2007)

**18-121. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (Ord. #757, Dec. 2007)

**18-122. 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. If any customer's service is restored by unauthorized means, a charge of one hundred dollars (\$100.00) shall be added to that account. If the meter is physically removed in order to prevent unauthorized restoration of services, a fee of two hundred fifty dollars (\$250.00) shall be collected from the customer before the re-installation of the water meter. Personal participation by the customer in any such restorations shall not be necessary to impose such personal responsibility on him. (Ord. #757, Dec. 2007)

**18-123. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (Ord. #757, Dec. 2007)

**18-124. Damages to property due to water pressure.** The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (Ord. #757, Dec. 2007)

**18-125. 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 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; or
- (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 his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (Ord. #757, Dec. 2007)



**18-126. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Ord. #757, Dec. 2007)

**18-127. Interruption of service.** The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, 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. (Ord. #757, Dec. 2007)

**18-128. Schedule of rates.** For each water service connection, the user shall be charged per month for water consumed according to the water meter as follows:

First	2,000 gallons (minimum)	\$24.08 per month
Next	3,000 gallons	\$ 5.05 per 1,000 gallons
Next	5,000 gallons	\$ 4.33 per 1,000 gallons
Next	10,000 gallons	\$ 3.30 per 1,000 gallons
Next	80,000 gallons	\$ 3.09 per 1,000 gallons
Next	100,000 gallons	\$ 2.58 per 1,000 gallons

Outside of city limits, the said rate shall increase by one hundred percent (100%) of set rate in each of the respective classifications. (Ord. #792, March 2014)

## CHAPTER 2

### SEWERS<sup>1</sup>

#### SECTION

- 18-201. Use of system regulated.
- 18-202. Obtaining service.
- 18-203. Permit and supervision required for connecting to system.
- 18-204. Connection fee.
- 18-205. Installation of lateral lines, etc.
- 18-206. Sewer service charges.
- 18-207. Extension policies.
- 18-208. Sewers in subdivisions, etc.

**18-201. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the city manager of the City of Waynesboro. (Ord. #757, Dec. 2007)

**18-202. Obtaining service.** A formal application together with a non-refundable service fee of fifty dollars (\$50.00) shall be placed with the recorder before sewer service orders will be issued. (Ord. #757, Dec. 2007)

**18-203. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (Ord. #757, Dec. 2007)

**18-204. Connection fee.** No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the recorder a sewer connection fee in the amount of seven hundred fifty dollars (\$750.00), whether inside or outside the city. (Ord. #757, Dec. 2007)

**18-205. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

between the governing body of the municipality and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner and must be inspected by the City of Waynesboro prior to being covered. An inspection fee of fifteen dollars (\$15.00) shall be collected by the utility prior to acceptance of installed line. (Ord. #757, Dec. 2007)

**18-206. Sewer service charges.** The rates to be charged users of the sanitary sewers are based upon two (2) classifications: residential and non-residential.

(1) Residential classification. Residential users are any users occupying any building solely as living quarters.

(2) Non-residential classification. Any type use other than residential. For each sewer service connection, the user shall be charged per month for sewer produced according to the water consumed as indicated by the water meter as follows:

**Residential Classification**

First	2,000 gallons (minimum)	\$18.49 per month
Next	3,000 gallons	\$ 4.16 per 1,000 gallons
Next	1,000 plus gallons	\$ 3.79 per 1,000 gallons

**Non-Residential Classification**

First	2,000 gallons (minimum)	\$22.80 per month
Next	3,000 gallons	\$ 5.49 per 1,000 gallons
Next	1,000 plus gallons	\$ 5.00 per 1,000 gallons

Outside of the city limits the said rate shall increase by one hundred percent (100%) of the set rate in each of the respective classifications. (Ord. #793, March 2014)

**18-207. Extension policies.** The extension of sewer trunk mains shall be governed by the same description and the same rules governing the extension of water mains as set forth in chapter 1 of this title with the following exceptions:

(1) The City of Waynesboro will assume responsibility for a maximum of fifty feet (50') of sewer main for each consumer to be connected immediately upon completion of construction, provided however, that in cases where it will be necessary to cross under highways, or other unusual conditions exist, the fifty foot (50') extension by the city shall not apply and said crossing or tunneling under said highway shall be within the discretion of the city, and in any event, the consumer or consumers shall bear the cost of same; and

(2) The minimum size for a sewer trunk main will be eight inches (8"); mains of a larger size to be installed at the discretion of the city. (Ord. #757, Dec. 2007)

**18-208. Sewers in subdivisions, etc.** Any applicant desiring to have sewerage service made available to a particular area or subdivision of the City of Waynesboro, shall:

- (1) Prepare a completely detailed plan and specifications for such sewerage system which conforms to the regulations prescribed by the city;
- (2) Obtain prior city approval of such plan;
- (3) Obtain bids from reliable contractors for the cost of constructing the extension system;
- (4) Furnish evidence to the city that all bills and obligations for labor, materials, professional services and other cost of construction and planning have been paid in full and that the extension system is free from all liens and encumbrances;
- (5) Make no charge against the city for tapping or connection to the city system; and
- (6) Convey to the City of Waynesboro by written instrument the said extension sewerage system from its owners.

Annually, as of January first of each year, for the first five (5) years after the completion of such extension, the city will determine the gross amount of revenue collected from such extension during the previous twelve (12) month period and shall within ninety (90) days thereafter, make reimbursements to the installer of an amount equal to fifty percent (50%) of such gross revenue. No reimbursement shall be made after such five (5) year period, and in no event shall the total amount of reimbursement exceed fifty percent (50%) of the installer's gross investment for such extensions. (Ord. #757, Dec. 2007)

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations and penalty.

**18-301. Definitions.** The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred feet (200') of any boundary of said property measured along the shortest available right-of-way.

(2) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in chapter 0400-48-01 of the *Tennessee Compilation of Rules and Regulations*. A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(4) "Human excreta." The bowel and kidney discharges of human beings.

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1995 Code, § 18-301)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1995 Code, § 18-302)

**18-303. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1995 Code, § 18-303)

**18-304. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health and environment. (1995 Code, § 18-304)

**18-305. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1995 Code, § 18-305)

**18-306. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1995 Code, § 18-306)

**18-307. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1995 Code, § 18-307)

**18-308. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1995 Code, § 18-308)

**18-309. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1995 Code, § 18-309)

**18-310. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1995 Code, § 18-310)

**18-311. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1995 Code, § 18-311)

**18-312. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1995 Code, § 18-312)

**18-313. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1995 Code, § 18-313)

**18-314. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (1995 Code, § 18-314)

**18-315. Violations and penalty.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1995 Code, § 18-315)



## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations and penalty.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the City of Waynesboro for general use and which supply is recognized as the

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

public water supply by the Tennessee Department of Health. (1995 Code, § 18-401)

**18-402. Standards.** The Waynesboro Public Water Supply is to comply with *Tennessee Code Annotated*, §§ 68-221-701 to 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (1995 Code, § 18-402)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the city manager of the City of Waynesboro. (1995 Code, § 18-403)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the city manager a statement of the non-existence of unapproved or unauthorized 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. (1995 Code, § 18-404)

**18-405. Inspections required.** It shall be the duty of the Waynesboro Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspection based on potential health hazards involved shall be established by the city manager of the Waynesboro Public Water Supply and as approved by the Tennessee Department of Health. (1995 Code, § 18-405)

**18-406. Right of entry for inspections.** The city manager or his authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Waynesboro Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of

access, when requested, shall be deemed evidence of the presence of cross-connections. (1995 Code, § 18-406)

**18-407. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the city manager of the Waynesboro Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the *Tennessee Code Annotated*, § 68-221-711, within a reasonable time and within the time limits set by the Waynesboro Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility 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. (1995 Code, § 18-407)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The city manager of the Waynesboro Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to

manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the city manager of the Waynesboro Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Waynesboro Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the city manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the city manager 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 supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the city manager of the Waynesboro Public Water Supply.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise the removal, bypassing, or altering the protective device(s) 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 Waynesboro Public Water Supply. (1995 Code, § 18-408)

**18-409. Unpotable water to be labeled.** The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch (1") high located on a red background. (1995 Code, § 18-409)

**18-410. Violations and penalty.** The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city/town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to occur shall be a separate offense. (1995 Code, § 18-410)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1995 Code, § 19-101)

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the recorder.

**CHAPTER 2****GAS**<sup>1</sup>**SECTION**

- 19-201. Monthly charges.
- 19-202. Monthly bills.
- 19-203. Billing when meter is inoperative.
- 19-204. Delinquent bills.
- 19-205. Tampering with meters, reconnecting service, etc.
- 19-206. Cash deposits for service.
- 19-207. Installation policy.

**19-201. Monthly charges.** Monthly charges and adjustments for residential, general, and industrial gas service shall be governed by Ord. #758, and any amendments thereto.<sup>2</sup>

**19-202. Monthly bills.** All gas meters shall be read monthly and bills rendered monthly based on such reading. All bills shall be due and payable from and after the date on which such bills are rendered. (Ord. #758, Dec. 2007)

**19-203. Billing when meter is inoperative.** In the event any meter shall be found to be inoperative at the end of any billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible and the bill for natural gas used during the current period shall be the average of the last three monthly bills. (Ord. #758, Dec. 2007)

**19-204. Delinquent bills.** Gas bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. If any bill for gas service shall be and remain due and unpaid for as long as fifteen (15) days after rendition, there shall be an additional charge of ten percent (10%) added thereto. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date a written notice shall be delivered to the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The delivery of such notice shall result in an

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

<sup>2</sup>Ordinance #758, and any amendments thereto, are of record in the office of the recorder.

additional charge of fifteen dollars (\$15.00) to the customer. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount. (Ord. #758, Dec. 2007)

**19-205. Tampering with meters, reconnecting service, etc.** It shall be unlawful for any person or persons to tamper with or change any gas meter, or to make any connection to the system without permission from the city, or to reconnect service, when it shall have been disconnected for non-payment of a bill for service, until such bill shall have been paid in full, including the reconnection fee of one hundred dollars (\$100.00). (Ord. #758, Dec. 2007)

**19-206. Cash deposits for service.** Each customer shall, before connecting with the system, obtain a permit from the city and shall remit a fifty dollar (\$50.00) non-refundable service fee. (Ord. #758, Dec. 2007)

**19-207. Installation policy.** The city shall provide the meter, meter box, regulators and the service pipe from the gas main to the consumer's property line, and such installation shall remain the property of the city. The gas service pipe shall be installed by the city from the property line of the consumer which is nearest the main to the initial junction with the consumer's pipe. From the initial junction with the service pipe, the consumer pipe shall be installed by the city at a cost determined by the gas department. The consumer shall pay a minimum installation fee based on the table below plus cost of installation on consumer's property beyond one hundred feet (100') and said expenses may be payable in five (5) monthly installments in lieu of a one time payment in full. All installation of consumer pipe shall be installed in conformity with provisions of §§ 12-401 to 12-412 of this code. In the event that service is discontinued for any reason, the gas inspector is authorized to remove the meter, regulator, meter box and gas service line which was installed by the city. Further if gas service is discontinued prior to the payment in full of the installation cost under the payment plan, said balance of said payment plan shall remain a lien on the property of the consumer, the same as delinquent property taxes. Reinstallation of service shall be subject to the payment of the installation cost in full plus any delinquent charges on service.

Gas Line Size  
3/4 inch

Installation Fee  
\$600.00



1 inch	\$700.00
1 1/2 inch	\$800.00
2 inch	\$1,000.00
>2 inch	Determined by city at the prevailing rate

(Ord. #758, Dec. 2007)

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

**1. DEPARTMENT OF PARKS AND RECREATION.**

**CHAPTER 1**

**DEPARTMENT OF PARKS AND RECREATION**

**SECTION**

20-101. Director designated.

20-102. Compensation of director.

20-103. City manager to supervise department.

20-104. Responsibilities of parks commission.

20-105. Bylaws and rules of procedure.

**20-101. Director designated.** The Department of Parks and Recreation for the City of Waynesboro shall consist of a qualified director as the department head.<sup>1</sup> The director of the department of parks and recreation shall be responsible for the establishment of recreational programs for the citizens of Waynesboro of all ages; shall be responsible for his department employees, whether full time, part time, or volunteer, as necessity dictates and as budget limitations as set by the city commission are applicable. (1995 Code, § 20-101)

**20-102. Compensation of director.** The salary for the director for the department of parks and recreation shall be set by the city commissioners upon the advice of a parks commission hereinafter established. (1995 Code, § 20-102)

**20-103. City manager to supervise department.** The department of parks and recreation shall be under the supervision of by the city manager.

The department of parks and recreation shall fall under the parks commission regulatory board which shall establish policies, procedures and programs, with directive authority over the department of parks and recreation, subject to the review of the city manager and the City Commission of Waynesboro. (1995 Code, § 20-103)

**20-104. Responsibilities of park commission.** The parks commission is charged with the responsibility to survey, interview and recommend personnel

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<sup>1</sup>Qualifications of the director as were attached to Ord. #657-A, are in the office of the recorder.

to the city manager to advise and seek approval of the city commission for the establishment of the parks director position and payroll. The parks commission shall be a regulatory body for the department of parks and recreation; the parks commission shall meet with the director and shall function as the originating body of policy, procedures and programs, with consultation of the director of parks and recreation and subject to the will of the city commission. (1995 Code, § 20-104)

**20-105. Bylaws and rules of procedure.** The parks commission may establish its own bylaws, regulations, procedures and proceedings, with the only restriction that such bylaws, regulations and procedures not be in conflict with the city ordinances of the City of Waynesboro. (1995 Code, § 20-105)

ORDINANCE NO. 814

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF WAYNESBORO TENNESSEE.**

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

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

WHEREAS the Board of Commissioners of the City of Waynesboro, 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 "Waynesboro Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF WAYNESBORO, AS FOLLOWS:<sup>1</sup>

**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 "Waynesboro Municipal Code," hereinafter referred to as the "Municipal Code."

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

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-20-214.

providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by  
(continued...)

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

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

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

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

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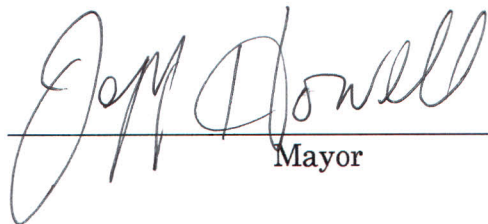
(...continued)

installments, see *Tennessee Code Annotated*, § 40-24-101 *et seq.*

**Section 10. Date of effect.** This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town 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 3-27, 2017.

Passed 2nd reading 4-24, 2017.

  
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Mayor

  
\_\_\_\_\_  
Recorder