CITY OF CLINTON, TENNESSEE

MAYOR

Scott Burton

COUNCIL MEMBERS

Larry Gann
Rob Herrell
Charles Lyons
Jim McBride
Jerry Shattuck
E. T. Stamey

CITY MANAGER

Roger Houck

CITY RECORDER

Regina Ridenour

CITY ATTORNEY

Phil Crye
Preface

This code is the result of a comprehensive codification and revision of the ordinances of the Town of Clinton, Tennessee. By referring to the historical citation appearing at the end of each section, the user will be able to ascertain the ordinance or the former code section from which the particular section has been derived. The absence of a historical citation means that the section was added at the time this code was prepared. The word "modified" in the historical citation indicates substantial modification of the provision as originally enacted.

The attention of the user is directed to the arrangement of the code into titles, chapters, and sections, which is similar to that used in the Tennessee Code Annotated. 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 number is the title number followed by a hyphen, then the chapter number, with the last two numbers showing the section number within the chapter, so that, for example, title 10, chapter 2, section 6, is designated as section 10-206.

By utilizing the table of contents at the beginning of each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should readily find all provisions in the code relating to any questions that might arise.

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) All ordinances relating to subjects treated in the code or which should be added to the code must be adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance for the code).

(2) One copy of each ordinance adopted by the town must be furnished to MTAS immediately after its adoption (see section 8 of the adopting ordinance).

(3) The town will reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinance. 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. If this very simple procedure is followed the code will be kept up to date in a way that will serve fully the needs of the town's officials and citizens. If any questions or problems arise concerning the up-dating
procedure, an MTAS Ordinance Codification Consultant is available to the town for advice and assistance.

The able assistance of Mrs. Claudia Wolfenbarger, the MTAS Administrative Secretary who did all the typing on this project, is gratefully acknowledged.

Sidney D. Hemsley
Senior Legal Consultant
TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. CITY COUNCIL.
2. ADMINISTRATIVE ORGANIZATION.
3. RECORDER.


1Charter 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.
Wastewater treatment:  title 18.
CHAPTER 1

CITY COUNCIL

SECTION
1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Wards.
1-105. Vice mayor's term.

1-101. **Time and place of regular meetings.** The city council shall hold regular meetings at 5:30 P.M. on the fourth (4th) Monday of each month at the City Hall Building. (1969 Code, § 1-102, replaced by Ord. No. 264, Ord. #316, § 1, and Ord. #349, Sept. 1993, and amended by Ord. #575, Sept. 2010)

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

1. Call to order by the mayor.
2. Roll call by the recorder.
3. Reading of minutes of the previous meeting by the recorder, and approval or correction.

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1Charter references

Budgetary authority: Art. V, secs. 5-6.
Employee compensation and benefits: Art. VI, secs. 3-4.
Legislative powers
Mayor--duties, powers, etc.: Art. II, sec. 4.
Meetings: Art. II, sec. 2.
Quorum: Art. II, sec. 3.
Time taking office: Art.I, sec. 11.
Vice mayor: Art. II, sec. 5.
1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the city council 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. (1969 Code, sec. 1-103)

1-104. Wards. The City of Clinton shall be divided into three (3) wards with boundary descriptions as follows:

First Ward. Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common intersection of the Southern Railway and the south bank of the Clinch River. Thence running in a southerly and westerly direction along the south bank of the Clinch River to its intersection with the existing corporate limits. Thence along existing corporate limits to its intersection and crossing of the Southern Railway. Thence continuing along existing corporate limits to its intersection with West Broad Street. Thence running in a southeasterly direction along West Broad Street to its intersection with Southern Railroad. Thence running in an easterly direction along the Southern Railroad to the point of beginning.

Second Ward. Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common intersections of North Main Street and the Southern Railway. Thence following the Southern Railway in a westerly direction to its intersection with West Broad Street. Thence running in a northerly and westerly direction along West Broad Street to the corporate limits. Thence following the existing corporate limits to its intersection with the Southern Railway. Thence running in a southerly direction along the Southern Railway to its intersection with North Fowler

1 Charter references
   Elections in general: Art. I.
Street. Thence running in a southwesterly direction along North Fowler Street to its intersection with Scruggs Street. Thence running in a northwesterly direction along Scruggs Street to its intersection with Sharp Street. Thence west along Sharp Street to its intersection with North Main Street. Thence in a southwesterly direction along North Main Street to the point of beginning.

**Third Ward.** Being all of the area or territory in the City of Clinton lying within the described area:

Beginning at a point, said point being the common point of intersection with the Southern Railway and the south bank of the Clinch River. Thence running in a westerly direction along the south bank of the Clinch River to its intersection with the existing corporate limits. Thence running in a southerly, westerly and east and northerly directions along the existing corporate limits to its intersection with the Southern Railway. Thence running in a southwesterly direction along the Southern Railway to its intersection with North Fowler Street. Thence running in a southwesterly direction along North Fowler Street to its intersection with Scruggs Street. Thence running in a northwesterly direction along Scruggs Street to its intersection with Sharp Street. Thence running in a westerly direction along Sharp Street to its intersection with North Main Street. Thence running in a southwesterly direction along North Main Street to its intersection with the South Railway. Thence running in a southerly direction along Southern Railway to the point of beginning. (1969 Code, sec. 1-101, as amended by Ords. No. 198, 216, and 224, modified)

1-105. **Vice mayor's term.** The vice mayor provided for in article II, section 5, of the Clinton City Charter shall be chosen and take office at the first meeting of the new city council after each regular city election to serve for two (2) years and until a successor is chosen. Vacancies in the office of vice mayor shall be filled by the city council for the unexpired term. (Ord. No. 313, sec. 1)
CHAPTER 2

ADMINISTRATIVE ORGANIZATION

SECTION

1-201. Plan of administrative organization.

1-201. Plan of administrative organization. The plan of administrative organization reflected on the organization chart below is hereby adopted to provide the city with general government, finance, health, welfare, police, recreation, fire, library, public works and other municipal services. (Ord. #315, § 1, as amended by Ord. #363, July 1995, and Ord. #445, July 2003)

1Charter references
   City manager
      Appointment, qualifications, term: Art. IV, sec. 1.
      Absence of: Art. IV, sec. 2.
      Budgetary and financial duties and powers: Art V, secs. 1-2, 4-5, 8-10.
      General duties and powers described: Art. IV, sec. 4.
   Recorder
      Appointment, duties, etc.: Art. IV, sec. 6.
      Recording and preserving ordinances, etc.: Art. II, sec. 10.

2Ord. #473, Nov. 21, 2005 deleted the organizational chart, including its title, and replaced it with the organizational chart on file with the city recorder. The ordinance also provides: "the organizational chart of the City of Clinton referred to in § 1-201 may be updated or minor changes made by resolution when deemed necessary."
CHAPTER 3

RECORDER

SECTION 1-301. To be bonded.

1-301. To be bonded. The recorder shall be bonded in such sum of ten thousand dollars ($10,000.00), and with such surety as may be acceptable to, the city council. (1969 Code, sec. 1-301)

1Charter references
Appointment, duties, etc.: Art. IV, sec. 6.
Recording and preserving of ordinances, etc.: Art. II, sec. 10.
TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER
1. SCHOOL BOARD.
2. RECREATION ADVISORY COMMISSION.

CHAPTER 1

SCHOOL BOARD

SECTION
2-101. Establishment and maintenance of school system.
2-102. Collection of common school funds from county.
2-103. "Common school fund" defined.
2-104. Bonds required of certain officials.
2-105. City manager's responsibilities.
2-106. Board of education.
2-107. Fiscal year.
2-108. Expenditures by board of education.
2-109. Reports to city council--compensation of members of board of education.
2-210. Students not entitled to free education.

2-101. Establishment and maintenance of school system. The city, in its corporate capacity, does hereby assume control and management of the pro rata share of its citizens in and to the common school funds of the County of Anderson and State of Tennessee and undertakes the administration of the common school laws within its corporate limits for the purpose of establishing and maintaining therein a system of high graded common schools. (1969 Code, sec. 1-1301)

2-102. Collection of common school funds from county. The city manager of the city shall collect and receive from the trustee of Anderson County the city's proper pro rata share, as provided by statute, of the common school funds

¹Charter references
Advisory boards: Art. III, sec. 4.
Board of education: Art. VII.
Port authority board: Art. VIII
Utility board: Art. IX.
Municipal code reference
Clinton Utilities Board: title 18, chapter 1.
of the county which may then be in or may thereafter come into his hands. (1969 Code, sec. 12-102, modified)

2-103. "Common school fund" defined. The "common school fund" of the city shall be:

(1) The city's proper pro rata share of the common school funds of the county and state as now is or may hereafter be provided by law.

(2) Such portion of the city's annual levy on polls, property and privileges within the city as may be set aside from time to time by the city council.

(3) The net proceeds of any special levies made for school purposes.

(4) Such sums as may be received on account of students attending the schools who are not for any reason entitled to free education therein.

(5) Such other sums, not herein expressly provided for, as may be received from miscellaneous sources. (1969 Code, sec. 12-103)

2-104. Bonds required of certain officials. The trustee of Anderson County, the city manager of the City of Clinton and the treasurer of the board of education shall each give annually a separate school fund bond in the penal sum required by law with good and solvent sureties conditioned as common school fund bonds now executed to the county and state together with such additional provisions as may be necessary to enforce duties and responsibilities imposed by this or other ordinances of the city. (1969 Code, sec. 12-104, modified)

2-105. City manager's responsibilities. The city manager shall make settlements of the school fund account with the trustee and treasurer as for other revenues of the city and shall make due report thereof to the city council for its inspection, correction and approval. (1969 Code, sec. 12-105, modified)

2-106. Board of education. There is hereby created for the city a popularly elected board of education to consist of six (6) members, two (2) members from each of the three (3) identified wards of the city. Said members shall, at the time of their election and for the term of their service, be residents of the city and of the ward from which they are elected.

In compliance with state law, to effectuate staggered terms of elected office and to set elections for the school board on the same schedule as city general elections, the following plan for elections for school board members shall become effective upon passage of this ordinance.
<table>
<thead>
<tr>
<th>Ward 1</th>
<th>Ward 2</th>
<th>Ward 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seat 1</td>
<td>Seat 2</td>
<td>Seat 1</td>
</tr>
<tr>
<td>Special Election 6/99</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Special Election 6/2000</td>
<td>3 ½ yr. term to</td>
<td>3 ½ yr. term to</td>
</tr>
<tr>
<td>City General Election 12/2001</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City General Election 12/2003</td>
<td>4 yr. term</td>
<td>4 yr. term</td>
</tr>
</tbody>
</table>

Any vacancy in the office of a school board member from death, resignation, moving from the city or ward or other cause shall be filled by appointment of a school board member by the city council for the unexpired portion of the term of office.

The board shall, within thirty (30) days after the special elections to be held in June, 1999 and June, 2000, meet and organize by the election of a president, a secretary and a treasurer. The treasurer shall be required to promptly give bond as is provided consistent with the terms of this charter. Beginning with the general elections in December, 2001 and every year thereafter in the month of January, the board shall meet and organize itself as herein provided by the election of officers.

The duties and powers of the board of education shall be to institute, operate and have general supervision of a system of public schools for the city, to procure suitable buildings, rooms and furnishings, to employ teachers and other necessary personnel, and to do all other acts necessary and have such duties as are incumbent to the operation of a municipal public school system as defined in the ordinances of the city and the state general law.

The board of education shall have no power to purchase real estate. (Ord. #278, modified, as replaced by Ord. #340, June 1992, and Ord. #397, May 1999)
2-107. Fiscal year. The school system fiscal year shall be from July 1st to June 30th of each year. (1969 Code, sec. 12-107)

2-108. Expenditures by board of education. Before the 1st day of August in each year the city council shall cause to be certified to the board of education the total amount of school funds of the current year and the board of education shall be limited in their expenditures for all purposes for any one year to the sum so certified. On the 1st day of each month a warrant shall be drawn by the city manager, with the approval of the mayor, in favor of the board of education and against the treasury of the city, for the title amount in his hands at said date to the credit of the school fund account and the same shall forthwith be charged against the board of education. (1969 Code, sec. 12-108, modified)

2-109. Reports to city council--compensation of members of board of education. The board of education shall make to the city council at its last regular meting before the close of each school fiscal year a full and complete report of its receipts and expenditures. It shall at that time also present to the city council all vouchers and other matters of interest touching the management of the schools. The board of education shall make such special reports as may be required of it by the city council.

Members of the board of education shall serve without compensation. (1969 Code, sec. 12-109, modified)

2-110. Students not entitled to free education. The board of education shall make regulations controlling the admission of students not entitled by law to free education in the city schools. (1969 Code, sec. 12-110)
CHAPTER 2

RECREATION ADVISORY COMMISSION

SECTION
2-201. Creation.
2-202. Purpose and duties.
2-203. Membership and organization.

2-201. Creation. There is hereby created a recreation advisory commission in and for the City of Clinton. (Ord. No. 133, modified)

2-202. Purpose and duties. The recreation advisory commission shall have the following purposes and duties:
(1) To advise the city council, city manager, and recreation director on kinds of recreation programs and facilities desired by the citizens.
(2) To formulate and submit recommendations to the city council, the recreation director, and city manager regarding administration and expansion of the city's recreation program.
(3) To serve as liaison for new programs between volunteer recreation workers and organizations, the recreation director, and the city manager. (Ord. No. 133, modified)

2-203. Membership and organization. The committee will be comprised of five members, all appointed by the city council. They shall all be residents of the city. One shall be a member of the city council; he shall be appointed for a one year term. The remaining four shall be appointed for two year terms, except for the initial appointments which shall be made so that the terms of office of two members shall expire in one year, and the terms of office of two members shall expire in two years. Members shall serve until their successors are appointed and qualified. Members shall serve without compensation. The commission shall have one regularly scheduled meeting each calendar month, which shall be held at such time and place as the commission shall prescribe. The membership shall, from among its members, elect a chairman and secretary for one year terms. The city manager and recreation director shall be ex officio members of the commission and shall meet with the commission at its regular meetings. (Ord. No. 133, modified)
TITLE 3

MUNICIPAL COURT

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 city shall preside over the city court and shall be known as the city judge. (1969 Code, sec. 1-501)

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¹Charter references
City judge and city court: Art. III, sec. 3.
Conflicts of interest: Art. VI, sec. 5.

²Charter references
Appointment, compensation, duties, etc.: Art. III, sec. 3.
Conflict of interest: Art. VI, sec. 5.
CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Disposition and report of fines, penalties, and costs.
3-204. Disturbance of proceedings.

3-201. Maintenance of docket. The city judge or his designee shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1969 Code, sec. 1-502)

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

The city judge shall have the authority, upon proper cause being shown, to suspend, remit, or release all or a part of any fines, and/or costs imposed and/or recorded in the city court.

The following costs and litigation taxes are established for the City Court of the City of Clinton.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest</td>
<td>$45.00</td>
</tr>
<tr>
<td>Affidavit and warrant</td>
<td>35.00</td>
</tr>
<tr>
<td>Judgment</td>
<td>10.00</td>
</tr>
<tr>
<td>Docketing</td>
<td>10.00</td>
</tr>
<tr>
<td>Bond</td>
<td>2.25</td>
</tr>
<tr>
<td>Bill of Costs</td>
<td>4.00</td>
</tr>
<tr>
<td>Disposition to state</td>
<td>5.00</td>
</tr>
<tr>
<td>Litigation tax</td>
<td>13.75</td>
</tr>
</tbody>
</table>

(1969 Code, § 1-508, as amended by Ord. #442, April 2003; Ord. #464, April 2005; and Ord. #503, July 2006)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city manager a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1969 Code, sec. 1-511, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1969 Code, sec. 1-512)
CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION
3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1969 Code, sec. 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the city code or 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. (1969 Code, sec. 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1969 Code, sec. 1-505)

¹State law reference
For authority to issue arrest warrants see Tennessee Code Annotated, title 40, chapter 5.
3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk, or in the absence of the city court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1969 Code, sec. 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1969 Code, sec. 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed 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 or penalty 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 within the county. No other type bond shall be acceptable. (1969 Code, sec. 1-510)

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1 State law reference
TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. CODE OF ETHICS.
2. SOCIAL SECURITY.
3. TRAVEL EXPENSE POLICY.

CHAPTER 1

CODE OF ETHICS

SECTION
4-101. Applicability.
4-102. Definition of "personal interest."
4-103. Disclosure of personal interest by official with vote.
4-104. Disclosure of personal interest in non-voting matters.
4-105. Acceptance of gratuities, etc.
4-106. Use of information.
4-107. Use of municipal time, facilities, etc.
4-108. Use of position or authority.
4-109. Outside employment.
4-110. Ethics complaints.
4-111. Violations.

4-101. **Applicability.** This chapter is the code of ethics for personnel of the City of Clinton, Tennessee. It applies to all full-time and part-time elected or

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

- Campaign finance - T.C.A. Title 2, Chapter 10.
- Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102
- Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.
- Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124
- Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.
- Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.
- Ouster law - T.C.A. § 8-47-101 and the following sections.
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 of Clinton" include these separate entities. (1969 Code, § 1-901, as replaced by Ord. #517, Jan. 2006)

4-102. Definition of "personal interest." (1) For purposes of §§ 4-103 and 4-104, "personal interest" means:
   (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or
   (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
   (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparents(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 provision of this chapter. (1969 Code, § 1-902, as replaced by Ord. #517, Jan. 2006)

4-103. 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 himself⁴ from voting on the measure. (1969 Code, § 1-903, as replaced by Ord. #517, Jan. 2006)

4-104. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

⁴Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.
policy, recuse himself from the exercise of discretion in the matter. (1969 Code, § 1-905, modified, as replaced by Ord. #517, Jan. 2006)

4-105. 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:
   (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. (1969 Code, § 1-906, as replaced by Ord. #517, Jan. 2006)

4-106. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
   (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1969 Code, § 1-907, modified, as replaced by Ord. #517, Jan. 2006)

4-107. 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 city council to be in the best interests of the city. (Ord. #116, modified, as replaced by Ord. #517, Jan. 2006)

4-108. 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 him or others that are not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #517, Jan. 2006)

4-109. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the department head. (as added by Ord. #517, Jan. 2006)

4-110. 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 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 council, 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 council 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. (as added by Ord. #517, Jan. 2006)

4-111. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violated any provision of this chapter is subject to punishment as provided by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #517, Jan. 2006)
CHAPTER 2

SOCIAL SECURITY

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

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1969 Code, sec. 1-701)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1969 Code, sec. 1-702)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, sec. 1-703)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, sec. 1-704)

4-205. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1969 Code, sec. 1-705)
4-206. **Exemption from coverage.** There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations.
CHAPTER 3

TRAVEL EXPENSE POLICY

SECTION
4-301. Policy purpose and intent.
4-302. General policy.
4-303. Travel requests.
4-304. Advances.
4-305. Transportation.
4-306. Lodging.
4-307. Meals and incidentals.
4-308. Entertainment.
4-309. Travel reconciliation.

4-301. **Policy purpose and intent.** This policy shall constitute the official policy regarding travel incurred by City of Clinton officials, board or committee members, or employees while in travel status and on official City of Clinton business. Authorization for travel and reimbursement of expenses must be in accordance with the provisions in this policy. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (as added by Ord. #590, Oct. 2011)

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

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the city manager. Expenses considered excessive will not be allowed. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Travel must be necessary to execute official city business or educational objectives. Professional meetings, conferences, or workshops must be directly connected to the individual’s duties and role within the city. If attending a conference, supporting documentation showing the dates of the
conference must be attached to the travel expense report form. Any dates outside the conference dates must be explained.

(4) When traveling, all individuals should be as conservative as circumstances permit. Reimbursement for travel will be based upon the most direct or expeditious route possible. Employees traveling by an indirect route must assume any extra expense incurred.

(5) A complete reason must be provided to describe the purpose of the travel. Single words such as "meeting," "research," or "conference" do not constitute an adequate reason.

(6) The city manager or his or her designee shall be responsible for the enforcement of these travel regulations. The city manager shall have the authority to grant exception to any part or all of these rules and regulations when deemed appropriate and necessary.

(7) Deliberate disregard of these regulations or filing of an intentionally misleading or fraudulent travel claim is grounds for disciplinary and/or legal action for recovery of fraudulent travel claims and/or advances. (as added by Ord. #590, Oct. 2011)

4-303. Travel requests. (1) To ensure reimbursements for official travel, an approved authorization for travel form is required.1 All travel forms shall be approved by the department head and city manager (city manager forms approved by city mayor). Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of this policy.

(2) All cost associated with the travel should be reasonably estimated and shown on the authorization for travel form.

(3) An approved authorization for travel form is required before advanced expenses are paid or travel advances are authorized.

(4) If applicable, a copy of the conference or seminar program should be attached to the form. If the program is not available prior to the travel, it should be submitted with the travel expense report. (as added by Ord. #590, Oct. 2011)

4-304. Advances. An individual traveling on city business may receive an advance of money to cover expenses to be incurred while traveling.

(1) Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must reimburse the city within ten (10) days.

(2) It will be the responsibility of the finance director to initiate action to recover any undocumented travel advances. If a cash advance is not repaid

1The City of Clinton Authorization for Travel form is of record in the office of the recorder.
within thirty (30) days, a deduction may be made from the employee's payroll check. Any person for whom a payroll deduction is made will forfeit future cash advance privileges.

(3) All travel advances must be requested on the authorization for travel form and must be submitted no later than five (5) business days before travel departure date. No travel advances will be issued more than thirty (30) days prior to the travel departure date. (as added by Ord. #590, Oct. 2011)

4-305. Transportation. (1) All potential costs should be considered when selecting the mode of transportation. Time away from work should also be considered.

(2) City vehicles may be used for transportation while on official city business unless considerations of time or distance would indicate that such use would be unreasonable. If a city vehicle is used, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable city business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided.

(3) Use of personal vehicles for travel on city business shall be allowed; however, city owned vehicles shall be used when feasible. Reimbursement shall be at the current rate as established by the Internal Revenue Service Standard Mileage Rate. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed subject to documented necessity as business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

(4) If a personal vehicle is used by two (2) or more travelers on the same trip, only the traveler who owns or has custody of the vehicle will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the personal vehicle. Travelers will not be reimbursed for automobile repair or breakdowns when using their personal vehicle.

(5) Storage or parking charges resulting from the authorized use of either city or personal vehicles shall be at the expense of the city. Fines for traffic or parking violations will not be reimbursed by the city. Reasonable tolls will be allowed when the most direct route requires them.

(6) In no event will mileage reimbursement plus vicinity travel and associated vehicle costs exceed the lowest reasonable air fare and associated air fare travel costs.

(7) When other modes of travel are to be used, the city shall provide or pay for tickets for rail, air or bus transportation and any associated costs such as travel insurance, etc. The city will pay for the lowest available fare for these modes of transportation. When possible, the traveler should make full use of discounts for advance reservations.
(8) When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees. The most economical means of transport should be used.

(9) For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Transportation to and from personal trips (e.g. entertainment, shopping) will not be reimbursed.

(10) Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is required in advance by the city manager. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

(11) If necessary to accommodate meeting times and travel arrangements, expenses will be covered for one (1) day before and after meeting dates.

(12) The traveler will be required to take annual leave for any additional time taken beyond the day before and after the meeting dates unless the traveler extends the trip to take advantage of discount fares. Additional authorized travel days must be pre-approved by the city manager. (as added by Ord. #590, Oct. 2011)

4-306. Lodging. (1) Reimbursement for lodging will be based upon the locality, purpose of travel, and availability of accommodations. Reasonableness and economy should be exercised by the traveler in all instances. Hotels that offer government rates should be used when available.

(2) Actual cost of single occupancy of hotel or motel room shall be at the expense of the city. When a room is occupied by more than one (1) person and the additional occupant(s) is not on official city business, reimbursement will be made in the amount charged for single occupancy.

(3) The city’s tax exempt status should be used for all in-state lodging. It is the traveler’s responsibility to provide the necessary documentation and payment method required by the vendor in order to avoid sales tax charges. Sales tax charges will not be reimbursed by the city.

(4) A detailed receipt showing itemized room charges and taxes (if applicable) is required for all authorized travel. (as added by Ord. #590, Oct. 2011)

4-307. Meals and incidentals. (1) The authorized traveler will be reimbursed a daily amount of forty dollars ($40.00) as per diem. The per diem amount is expected to cover meals, tips, porters, and incidental expenses. The traveler will not be reimbursed more than the per diem amount. Receipts are not required for meals and incidentals.

(2) The following rates will apply for the day of departure and the day of return:
Departure: Prior to 9:00 A.M. 100%
After 9:00 A.M. 50%
Return: Prior to 5:00 P.M. 50%
After 5:00 P.M. 100%

(3) If a meal is included as part of a conference or seminar fee, the daily per diem rate shall be reduced as follows:
   Breakfast 20%
   Lunch 30%
   Dinner 50%

(4) For travel that does not require an overnight stay, per diem will be reimbursed at fifty percent (50%) of the established daily rate only if the traveler is required by city business to be outside a fifty (50) mile area of city hall and is in travel status for eight (8) hours or longer. (as added by Ord. #590, Oct. 2011)

4-308. Entertainment. (1) The city may pay for certain entertainment expenses provided that:
   (a) The entertainment is appropriate in the conduct of city business;
   (b) The entertainment is approved in advance by the city manager;
   (c) The group or individuals involved are identified; and
   (d) Documentation is attached to the expense form to support the entertainment expense claims.

(2) Necessary meal expenses for group meetings will be allowed for city business subject to city manager approval prior to the meeting.

(3) The request for reimbursement for authorized entertainment expenses must include:
   (a) Original receipts from the vendor (restaurant, caterer, ticket office, etc.). Only reasonable tips and gratuities included on the receipt by the vendor are reimbursable.
   (b) A disclosure and explanation statement explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group). (as added by Ord. #590, Oct. 2011)

4-309. Travel reconciliation. (1) Within ten (10) day of return from travel, the traveler is expected to complete and file the travel expense report form. It must be certified by the traveler that the amount due is true and

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1The City of Clinton Travel Expense Report form is of record in the office of the recorder.
accurate. Original receipts must be provided for all expenses in excess of five dollars ($5.00).

(2) If the city provided a travel advance, the traveler should include that information on the expense form. The balance due the traveler or the refund due the city should be clearly indicated on the travel expense report form. If the city is due a refund, the traveler should attach a check made payable to the city.

(3) The traveler is responsible for providing the city with original paid receipts for any payments made by the city directly to travel related vendors (e.g. hotels, conferences). (as added by Ord. #590, Oct. 2011)
Tennessee Code Annotated, sections 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.

STATE LAW REFERENCE

Tennessee Code Annotated, section 67-1-801(c) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.
A municipality has the option of collecting delinquent property taxes any one of three ways:

1. Under the provisions of its charter for the collection of delinquent property taxes.

become due and payable and shall thereupon be subject to a penalty of two percent (2%) on the first day of March and on the first day of each succeeding month thereafter.¹ (1969 Code, sec. 6-102, modified)

¹State law reference
A municipality has the option of collecting delinquent property taxes any one of three ways:

(1) Under the provisions of its charter for the collection of delinquent property taxes.


(3) By the county trustee under Tennessee Code Annotated, section 67-5-2005.
CHAPTER 2

PRIVILEGE TAXES

SECTION
5-201. Tax levied.
5-202. License required.
5-203. Application of funds and collection of tax.

5-201. 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 (hereafter known as "Business") tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, title 67, chapter 58) 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.

The city recorder is authorized to charge a fee for collecting and recording business taxes as authorized by Tennessee Code Annotated, § 67-4-717, except this fee may not be charged persons paying the annual minimum tax under the provisions of this part if paid on the same date as the respective and related return is filed. (1969 Code, § 6-301, as amended by Ord. dated June 19, 1972, modified, and amended by Ord. #466, June 2005)

5-202. License required. No person shall exercise any such privilege within the city without a currently effective business license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate business tax. (1969 Code, sec. 6-302, as amended by Ord., dated June 19, 1972, modified)

5-203. Application of funds and collection of tax. All of the revenue and funds derived from such privilege and business taxes shall be assigned to and deposited in the general fund of the city. The collector of taxes of the City of Clinton is empowered and authorized to use and invoke any and all of the various powers and procedures conferred upon such office to secure and enforce compliance with this chapter of the Clinton Municipal Code, as set forth in the "Business Tax Act" above described. (Ord. dated June 19, 1972)
CHAPTER 3
SALES TAX

SECTION
5-301. Sales tax levied.
5-302. Approval of voters required.
5-303. Collection of tax.
5-304. Suits for recovery of illegally assessed or collected tax.
5-305. Notice of ordinance.

5-301. Sales tax levied. As authorized by Tennessee Code Annotated, Sections 67-6-701 -- 67-6-712, as amended, there is levied a city sales and use tax at the rate of one-eleventh (1/11) of the rate levied in the Retailers' Sales Tax Act, as amended (Tennessee Code Annotated, Title 67, Chapter 6, Parts 1-6), except as limited or modified by statute, which city sales and use tax is one-half percent (1/2%) over and above the sales and use tax levied by Anderson County. (1969 Code, sec. 6-401, as replaced by Ord. Nos. 254 and 267)

5-302. Approval of voters required. If a majority of those voting in the election required by section 5 of chapter 329, Public Acts of 1963, vote for the ordinance,1 collection of the tax levied by this ordinance shall begin on the first day of the month occurring thirty (30) or more days after the county election commission makes its official canvass of the election returns. As provided in said section 5 of chapter 329 of the Public Acts of 1963 and also as set forth in section 67-6-706 of the Tennessee Code Annotated, the Anderson County Election Commission shall hold an election thereon, providing options to vote "For" or "Against" this ordinance, within sixty (60) days after the receipt of a duly certified copy of this ordinance from the Recorder of the City of Clinton. Upon final passage of this ordinance, a duly certified copy of same shall be

1Historical record of sales tax ordinances
The original ordinance, as adopted on July 3, 1968, was approved by the voters on August 27, 1968, by a vote of 552 to 132.

Ordinance No. 170, an amendment increasing the tax from 1/3rd to 4/9ths, was approved by the voters on August 7, 1980, by a vote of 550 to 347.

Ordinance No. 218 was approved by the voters on December 6, 1983, by a vote of 171 to 63.

Ordinance No. 254, which replaced section 6-401 in the 1969 Code, was approved by the voters on August 7, 1986, by a vote of 982 to 321.

Ordinance No. 267, which replaced section 6-401 in the 1969 Code, was approved by the voters on May 19, 1987, by a vote of 205 to 20.
immediately delivered by the recorder to the Anderson County Election Commission. (1969 Code, sec. 6-402; Ord. No. 170)

5-303. Collection of tax. It having been determined by the Department of Revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, said determination being evidence by "Local Option Sales and Use Tax Rules and Regulations" heretofore promulgated by the Department of Revenue, the department shall collect such tax concurrently with the collection of the state tax in the same manner as the state tax is collected in accordance with rules and regulations promulgated by said department. The mayor is hereby authorized to contract with the Department of Revenue for the collection of the tax by the department, and to provide in said contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of said tax. (1969 Code, sec. 6-403)

5-304. Suits for recovery of illegally assessed or collected tax. In the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the mayor. (1969 Code, sec. 6-404)

5-305. Notice of ordinance. A copy of this ordinance shall be transmitted to the said Department of Revenue and shall be published one time in a newspaper of general circulation in the City of Clinton, Tennessee, prior to the election called for in section 5-302 hereof. (1969 Code, sec. 6-405)
CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The city manager is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹

¹State law reference
Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

Municipal code reference
Alcohol and beer regulations: title 8.
CHAPTER 5

HOTEL/MOTEL TAX

SECTION
5-501. Definitions.
5-502. Levy of tax.
5-503. Tax added to invoice.
5-504. Remittance to city treasurer.
5-505. Method of reporting taxes.
5-506. Offer to absorb tax prohibited.
5-507. Penalties and interest for delinquency.
5-508. Records.
5-509. Administration.
5-510. Collection of tax.
5-511. Allocation of proceeds.
5-512. Applicability.
5-513. Severability.

5-501. Definitions. As used in this chapter unless the context otherwise requires the following words and phrases shall have the meanings attributed to them:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction there from whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" or "motel" mean any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, motel, inn, tourist camp, tourist cabin, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel or motel.

(4) "Operator" means the person operating the hotel or motel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel or motel for a period of less than thirty (30) continuous days. (as added by Ord. #439, Nov. 2002)

5-502. **Levy of tax.** The amount of the privilege tax upon the privilege of occupancy in any hotel or motel on each transient shall be three percent (3%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this chapter. (as added by Ord. #439, Nov. 2002)

5-503. **Tax added to invoice.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel or motel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the city.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid for reported to the City of Clinton. (as added by Ord. #439, Nov. 2002)

5-504. **Remittance to city treasurer.** (1) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels or motels within the city to the city treasurer, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator.

(2) For the purposes of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the city treasurer in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment. (as added by Ord. #439, Nov. 2002)

5-505. **Method of reporting taxes.** The city treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the city treasurer by the operator with such number of copies thereof as the city treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be
developed by the city treasurer and approved by the legislative body prior to use. The city treasurer shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is hereby authorized to adopt ordinances to provide reasonable rules and regulations for the implementation of the provisions of this chapter. (as added by Ord. #439, Nov. 2002)

5-506. Offer to absorb tax prohibited. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (as added by Ord. #439, Nov. 2002)

5-507. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the city treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and as liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars ($50.00). (as added by Ord. #439, Nov. 2002)

5-508. Records. It is the duty of every operator liable for the collection and payment to the city of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of the payment to the city, which records the city treasurer shall have the right to inspect at all reasonable times. (as added by Ord. #439, Nov. 2002)

5-509. Administration. The city treasurer in administering and enforcing the provisions of this chapter shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, title 67, or otherwise provided by the law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, title 67, chapter 23, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The city treasurer shall also possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, for the county clerks with respect to the adjustment and refunds of such tax.

With respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this act shall be refunded by the
city. The city treasurer shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the city treasurer and suit may be brought against the mayor, but only in his or her capacity as the chief executive officer of the city, for the recovery of any such taxes paid under protest. (as added by Ord. #439, Nov. 2002)

5-510. Collection of tax. The city treasurer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in an account as designated in accordance with § 5-511. (as added by Ord. #439, Nov. 2002)

5-511. Allocation of proceeds. The proceeds received by the city from the tax shall be retained by the city and deposited in the general fund to be designated and used for such purposes as specified by the legislative body. (as added by Ord. #439, Nov. 2002)

5-512. Applicability. The tax levied pursuant to the provisions of this chapter shall only apply in accordance with the provisions of Tennessee Code Annotated, §§ 67-4-1401 through 1411. (as added by Ord. #439, Nov. 2002)

5-513. Severability. The provisions of this chapter are severable. If any of its sections, provisions, exceptions, or parts are held unconstitutional or void, the remainder of the chapter shall continue to be in full force and effect, it being the declared legislative intent that this act would have been adopted even if such unconstitutional or void material had not been included herein. (as added by Ord. #439, Nov. 2002)
CHAPTER 6

PURCHASING

SECTION

5-601. Maximum amount for purchases without public advertisement and competitive bidding.

5-601. Maximum amount for purchases without public advertisement and competitive bidding. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars ($10,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (as added by Ord. #509, Oct. 2006)
TITLE 6

LAW ENFORCEMENT

CHAPTER

1. RESERVED FOR FUTURE USE.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

RESERVED FOR FUTURE USE

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1Municipal code reference
Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.
Also, see the resolution dated September 6, 1962, of record in the recorder's office, for additional regulations governing the internal operation of the police department.

2This chapter was deleted and reserved for future use by Ord. #391, June 1998.
CHAPTER 2

ARREST PROCEDURES

SECTION
6-201. When policemen to make arrests.

6-201. When policemen to make arrests. ¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1969 Code, sec. 1-407)

6-202. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he no longer poses a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1969 Code, sec. 1-409, modified)

¹Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.
CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-301. Citations in lieu of arrest in non-traffic cases.
6-302. Summonses in lieu of arrest.

6-301. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, section 7-63-101 et seq., the city council appoints the fire chief in the fire department and the codes enforcement officer special police officers having the authority to issue citations in lieu of arrest. The fire chief shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes enforcement officer shall have the authority to issue citations in lieu of arrest for violations of the building, utility, fire and housing codes adopted in titles 7 and 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, section 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

6-302. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, section 7-63-201 et seq., which authorizes the city council to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the council designates the codes enforcement officer to issue ordinance summonses in those areas. This enforcement officer may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

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1Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.
The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in section 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.
TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER 1. FIRE DISTRICT.

SECTION 7-101. Fire district described. The corporate fire district shall be as follows:

All of that area bounded by a line beginning at the intersection of the Bush Brothers eastern property line and the Clinch River, thence along said property line in a northerly direction to the intersection of such line and Eagle Bend Road; thence in a westerly direction along Eagle Bend Road to a point 200 feet east of the intersection of Eagle Bend Road and North Charles Seivers Blvd; thence along a line, parallel to and 200 feet northeast and southeast of the center line of North Charles Seivers Blvd, in a northwesterly and northeasterly direction to the intersection of such line and Weaver Avenue; thence along Weaver Avenue in a northwesterly direction to the intersection of Weaver Avenue and North Charles Seivers Blvd; thence northeast along North Charles

1Municipal code references
Building, utility and housing codes: title 12.

2The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the City of Clinton through title 4 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.
Seivers Blvd to the intersection of North Charles Seivers Blvd and Washington Avenue; thence northwest along Washington Avenue to the intersection of Washington Avenue and Baxter Street; thence south along Baxter Street to the intersection of Baxter Street and West Weaver Avenue; thence northwest along Weaver Avenue to the intersection of Weaver Avenue and North Main Street; thence south along North Main Street to the intersection of North Main Street and W Avenue; thence west along W Avenue to the intersection of W Avenue and Marshall Street; thence south along Marshall Street to the intersection of Marshall Street and West Shipe Street; thence east along an extension of the center line of West Shipe Street crossing the Southern Railway tracks to East Shipe Street; thence east along East Shipe Street to the intersection of East Shipe Street and Main Street; thence south along Main Street to the intersection of North Main Street and West Lamar Avenue; thence west along West Lamar Avenue to the intersection of West Lamar Avenue and North Hicks Street; thence south along North Hicks Street and West Church Street; thence west along West Church Street to the intersection of West Church Street and Marshall Street; thence south along Marshall Street to the intersection of Marshall Street and Broad Street; thence east along Broad Street to the intersection of South Bowling Street; thence south along an extension of the center line of South Bowling Street, and being parallel to and approximately 300 feet west of the center line of Main Street, to the intersection of said line and Timothy Avenue; thence east along Timothy Avenue to the intersection of Timothy Avenue and Main Street and, continuing along Meadowbrook Street, to a point 200 feet to the east of Main Street; thence north along a line, lying parallel to and 200 feet east of Main Street, to the intersection of said line and Clinch Avenue; thence east along Clinch Avenue to the intersection of Clinch Avenue and the Clinch River; thence north along the west bank of the Clinch River to the point of beginning. (1969 Code, § 7-101, as replaced by Ord. #482, Dec. 2005)

7-102. Fire district significance. The significance of the fire district is that chapter 3 of the International Building Code, applicable to the City of Clinton through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits hazardous (group H) occupancies within the fire district. Chapter 3 section 307 of the International Building Code and Appendix E of the International Fire Code defines high hazardous (group H) occupancies in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials. (as added by Ord. #482, Dec. 2005)
CHAPTER 2

FIRE CODE

SECTION

7-201. Fire code adopted.
7-203. Gasoline trucks.
7-204. Storage of explosives, flammable liquids, etc.
7-205. Variances.
7-206. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code, 2 2009 edition, and all the Appendices and References listed herein as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code, and is hereinafter referred to as the fire code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the international fire code has been filed with the city recorder and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1969 Code, § 7-201, replaced by Ord. #288, and Ord. #371, March 1997; amended by Ord. #416, Sept. 2001, and replaced by Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1969 Code, § 7-202, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-203. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the

1Municipal code reference
Building, utility and housing codes: title 12.

2Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in chapter 33 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district referred to in chapter 34 of the International Fire Code, in which storage of flammable liquids in outside above ground tanks is prohibited, is declared to be the fire district as set out in § 7-101 of this code.

(3) The district referred to in chapter 34 of the International Fire Code, in which bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The district referred to in chapter 38 of the International Fire Code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1969 Code, § 7-205, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-205. Variances. The chief of the fire department may recommend to the city council variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1969 Code, § 7-207, as replaced by Ord. #371, March 1997, Ord. #475, Dec. 2005, and Ord. #589, Aug. 2011)

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the city council or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty of fines not less than fifty dollars ($50.00) and not more than five hundred dollars (500.00) and cost for each separate violation. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #475, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
CHAPTER 3

FIRE DEPARTMENT

SECTION
7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Chief responsible for training and maintenance.
7-306. Chief to be assistant to state officer.
7-307. Age limits for firemen.
7-308. [Deleted.]

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city manager shall appoint. (1969 Code, sec. 7-301, modified)

7-302. Objectives. The fire department shall have as its objectives:
(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1969 Code, sec. 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, under the direction of the director of operations. (1969 Code, sec. 7-303, modified)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and

\[\text{Municipal code reference}\]
Special privileges with respect to traffic: title 15, chapter 2.
work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the city council as the city council requires. (1969 Code, sec. 7-304, modified)

7-305. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city manager. (1969 Code, sec. 7-306)  

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1969 Code, sec. 7-307)  

7-307. Age limits for firemen. No person shall be initially employed or appointed as a fireman who has not attained the age of eighteen (18) years or who has attained the age of fifty (50) years. No person shall be continued in service as a fireman after the end of the month in which he attains the age of sixty-five (65) years. (1969 Code, sec. 7-308, as amended by ord. No. 344)  

7-308. [Deleted.] (1969 Code, sec. 7-309, as replaced by Ord. #262, and deleted by Ord. #391, June 1998)
CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION
7-401. Restrictions on fire service outside city limits.

7-401. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the city manager or fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the city council has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:


¹Charter references
State law references
Tennessee Code Annotated, Section 58-2-601 et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its (continued...)
employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

1State law reference
Tennessee Code Annotated, section 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with firefighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

2State law reference
Tennessee Code Annotated, section 12-9-101 et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.
CHAPTER 5

MISCELLANEOUS

SECTION
7-501. Outside open fires restricted.

7-501. Outside open fires restricted. It shall be unlawful for any person to make, permit, or add to any outside open fire within the fire district.

An "outside open fire" is any fire on the outside of a building except a fire in an incinerator which is so constructed as to prevent the escape of burning materials. (1969 Code, sec. 7-102)
TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Definition of alcoholic beverages.
8-102. Consumption of alcoholic beverages on premises.
8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
8-104. Annual privilege tax to be paid to the city clerk.

8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as replaced by Ord. #427, March 2002)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption, which are regulated by the said code when such sales are conducted within the corporate limits of Clinton, Tennessee. It is the intent of the mayor and council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Clinton, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #427, March 2002)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code

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1Municipal code references
   Driving under the influence: section 15-104.
   Minors in beer places, public drunkenness, etc., title 11 chapter 2.
State law reference
   Tennessee Code Annotated, title 57.
Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Clinton General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Clinton alcoholic beverages for consumption on the premises where sold. (as added by Ord. #427, March 2002)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Clinton shall remit annually to the city clerk the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #427, March 2002)
CHAPTER 2

BEER

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. Application; time for filing; requisites.
8-209. Application to be filed; open to inspection; forfeiture of permit for false statement.
8-211. Sale of beer permitted only in specified zones.
8-212. Class B and Class C permits prohibited within certain areas.
8-213. Posting of permit.
8-214. Privilege tax.
8-215. Beer permits shall be restrictive.
8-216. Legal hours of sale.
8-217. Revocation or suspension of beer permits.
8-218. Transfer of permits prohibited; notice to board of transfer of beer business ownership required.
8-219. Temporary permit; application issued by city recorder.
8-220. Expiration of permit; surrender to board.
8-221. Civil penalties in lieu of revocation or suspension.
8-222. Loss of clerk's certification for sale to minor.
8-223. Violations.
8-224. -- 8-226. [Deleted.]

8-201. Beer board established. There is hereby established a beer board to be composed of mayor and council. The mayor shall act as chairman of the...
beer board. All members of the beer board shall serve without compensation. (1969 Code, § 2-201, as replaced by Ord. #141, and Ord. #570, April 2010)

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. (1969 Code, § 2-202, as replaced by Ord. #141, and Ord. #570, April 2010)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following. The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each members thereon; and the provisions of beer permit issued by the board. (1969 Code, § 2-203, as replaced by Ord. #141, and Ord. #570, April 2010)

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. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(20); provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (as added by Ord. No. 141, and replaced by Ord. #350, Sept. 1993, and Ord. #570, April 2010)
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, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars ($250.00). Said fee shall be in form of a cashier's check payable to the City of Clinton. 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. (as added by Ord. #141; amended by Ord. #329; Ord. #350, Sept. 1993; and Ord. #485, Feb. 2006, and replaced by Ord. #570, April 2010)

8-208. Application; time for filing; requisites. All applications for a beer permit shall be made on a form prescribed by the board in conformity with the requirements of this section.

Before the beer board shall issue a license or permit under this section, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such license or permit and the date and time of the meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a license or permit.

All applications for any permits required hereunder shall be verified by oath and affidavit and shall establish the following:

1. That no person or persons will be employed by the applicant who is not citizens of the United States;

2. That neither the applicant nor any person or persons employed by him/her in such distribution or sale has been convicted of any violation of the statutes of Tennessee or any other state prohibiting the possession, sale, manufacture or transportation intoxicating liquors, or any other crime involving moral turpitude in the past ten years. This section would not be applicable to servers with a certification from Alcoholic Beverage Commission as per Tennessee Code Annotated, § 57-5-106.

3. That no sale shall be made to any person under the age of twenty-one (21) years, nor shall any person under the age of eighteen (18) be employed directly in the sale distribution of such beverages.

4. That no person under the age of twenty-one (21) shall be allowed to loiter about the applicant's premises; provided, that persons under the age shall be allowed a reasonable amount of time to consume their meals and non-alcoholic beverages.

5. That no sale shall be made to persons intoxicated or who are feeble minded, insane or otherwise mentally incapacitated;
(6) That the applicant is of good character and has a sufficient legal interest in a suitable location as to entitle the applicant to conduct the sale of beer at such place of business;

(7) That in the place of business where such beverages will be sold or distributed, no loud, unusual or obnoxious noises shall be allowed, and that the applicant shall conduct such place of business otherwise in an orderly, peaceful, and lawful manner;

(8) That there shall be no signs or other advertising display promoting the sale of beer in general, or of a specific beer or beers, outside of the building, in windows, or other places visible from outside the building to advertise beer. All such advertising and signs shall be limited to inside the building so as not to be visible outside the building.

(9) That, if the application is for an "on-site" permit, the primary business of the applicant on the premises for which the beer permit is requested is the sale of prepared food to be consumed on the premises and that less than thirty percent (30%) of the applicant's income on the premises will be from the sale of beer. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-209. Application to be filed; open to inspection; forfeiture of permit for false statement. The application shall at all times be kept on file by said board shall be open to inspection of the general public, and any person, firm, corporation or association making any false statement of the material facts in the application shall forfeit the permit, and shall not be eligible to receive any permit for a period of ten (10) years thereafter. (as added by Ord. #141, amended by Ord. #329, and replaced by Ord. #570, April 2010)

8-210. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class "A" a manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class "B" An "off-site" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller.

(3) Class "C" An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than thirty percent (30%) of its income is from the sale of beer.
(4) Class "D" An "on-site" permit to any person or legal organization engaged in the operation of any hotel/motel that does not sell food or beverages and that receives ninety percent (90%) of its revenue from the sale of room rentals may serve beer to patrons of such hotel/motel without a charge. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-211. Sale of beer permitted only in specified zones. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the City of Clinton, Tennessee, provided that permits authorized by this chapter shall be issued for locations that are now zoned or may be in the future zoned as follows:

(2) Class "B" Permits: Zoning Districts B-1, B-2, and B-4.
(3) Class "C" Permits: Zoning Districts B-1, B-2, and B-4. (as added by Ord. #141, amended by Ord. #329, and Ord. #428, March 2002, and replaced by Ord. #570, April 2010)

8-212. Class B and Class C permits prohibited within certain areas.

(1) No Class "B" or Class "C" permits shall be issued to an applicant whose location:
   (a) Is upon property having a common boundary line with the property upon which a church, school, public park, or public playground is located.
   (b) Is upon property any portion of which is perpendicularly across any street from property upon which a church, school, public park or public playground is located.
(2) No Class "B" permit shall be issued to an applicant whose location is within five hundred feet (500') from any church, school, public park or public playground.
(3) No Class "C" permit shall be issued to an applicant whose location is within five hundred feet (500') from any church, school, public park or public playground.
(4) In determining the distance under this section, measurement shall be from the center of the nearest entrance of a structure, or facility, in case of a public park or public playground following a straight line, to the center of the main entrance of the potential permitee.
(5) The foregoing prohibitions shall not apply where the applicant has received a license or permit under the provisions of chapter 1 of this title.

No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or public park or playground unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (as added by Ord. #141, amended by Ord. #329, Ord. #485, Feb. 2006, and Ord. #550, June 2009, and replaced by Ord. #570, April 2010)
8-213. Posting of permit. The permit showing the payment of the permit fee issued shall be conspicuously posted in the house, building, room or place where the business authorized by the permit is conducted. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-214. Privilege tax. There is hereby imposed on the business of selling, distribution, storing or manufacturing beer a 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 each successive January 1st to the City of Clinton, 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. (as added by Ord. #141, amended by Ord. #428, March 2002, and replaced by Ord. #570, April 2010)

8-215. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premises consumption. A single permit may be issued for on-premise and off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit. (as added by Ord. #141, amended by Ord. #350, Sept. 1993, and replaced by Ord #570, April 2010)

8-216. Legal hours of sale. The legal hours of sale for all classes of permit holders shall be the same as the legal hours of sale of beer authorized by the Tennessee Alcoholic Beverage Commission for certain countries and municipalities, as defined in Tennessee Code Annotated, § 57-5-30l(b)(4), which are the following hours:

Monday through Saturday 8:00 AM to 3:00 AM
Sunday 12:00 noon to 3:00 AM

The City of Clinton elects to opt out of any extensions of hours granted by the State of Tennessee Alcoholic Beverages Commission. (as added by Ord. #141, and replaced by Ord. #350, Sept. 1993, and Ord. #570, April 2010)

8-217. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or
suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (as added by Ord. #141, amended by Ord. #350, Sept. 1993, and replaced by Ord. #570, April 2010)

8-218. Transfer of permits prohibited; notice to board of transfer of beer business ownership required. The transfer of a beer permit to any other person, firm or corporation is prohibited. However, any person, firm or corporation holding a beer permit under this chapter who proposes to sell or otherwise transfer the business to another person, firm or corporation with the intention or expectation that the buyer or transferee will engage in the business of selling beer at the same location shall be required to notify the beer board of his or her intention to sell or transfer the business. (as added by Ord. #141, amended by Ord. #350, Sept. 1996, and replaced by Ord. #570, April 2010)

8-219. Temporary permit; application issued by city recorder. In the event a proposed buyer or transferee acquires the business operated under this permit, and such transfer is to become final upon condition that the buyer or transferee obtains a regular beer permit, the buyer or transferee may obtain a temporary permit from the city recorder upon the determination of the city recorder that the buyer or transferee is about to comply with this chapter. Such temporary permit shall be valid only until the first meeting of the beer board is held after the issuance of said temporary permit and in no event shall such temporary permit be valid more than twenty-one (21) days from the date of issuance. The holder of a temporary permit shall be subject to all restrictions and penalties provided for regular permit holders by this chapter. Temporary permits shall not be issued, except for premises for which the beer permit has been issued to another owner or operator at the time application is made for
such temporary permit. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-220. Expiration of permit; surrender to board. Any permit issued for the sale of beer under this chapter shall become invalid and void at twelve (12:00) o'clock midnight of the date on which any holder of a permit ceases to operate the business for which said permit was issued. This provision shall not apply to temporary absences of the permittee, but shall apply when said permittee permanently ceases operations under his permit. Said permittee shall within five (5) days from the date on which he ceases to do business under the permit surrender said permit to the city recorder. (as added by Ord. #141, amended by Ord. #329, and replaced by Ord. #570, April 2010)

8-221. Civil penalties in lieu of revocation or suspension.  (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, Councilman et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed if the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #141, and replaced by Ord. #570, April 2010)

8-222. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1)
year from the date of the beer board's determination. (as added by Ord. #141, and replaced by Ord. #415, July 2001, and Ord. #570, April 2010)

8-223. Violations. Except as provided in § 8-214, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #141; amended by Ord. #329, and replaced by Ord. #350, Sept. 1993, and Ord. #570, April 2010)

8-224. -- 8-226. [Deleted.] (as added by Ord. #141, and replaced by Ord. #570, April 2010)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER 1
1. PEDDLERS, SOLICITORS, ETC.
2. TAXICABS.
3. POOL ROOMS.
4. CLINTON FAIR HOUSING OPPORTUNITIES ORDINANCE.
5. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION
9-102. Exemptions.
9-103. Permit required.
9-104. Permit procedure.
9-105. Restrictions on peddlers, street barkers and solicitors.
9-106. Restrictions on transient vendors.
9-108. Suspension or revocation of permit.
9-110. Violation and penalty.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler," means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Cable television: title 20, chapter 1.
Liquor and beer regulations: title 8

²Municipal code references
Privilege taxes: title 6.
Trespass by peddlers, etc.: section 10-801.
street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor," means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes," means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organization for charitable or religious organizations.

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

(4) "Solicitor for subscriptions," means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.
(5) "Transient vendor," means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

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

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys delivering newspaper subscriptions, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold, nor to religious, charitable and civic organizations of Anderson County, Tennessee that solicit no more than four (4) times per year, or vendors at Anderson County Chamber sponsored festivals. (as replaced by Ord. #454, Aug. 2004, and Ord. #459, Oct. 2004)

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

\[^{1}\] State law references

Tennessee Code Annotated, section 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 67-4-709(a)(19). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, section 67-4-709(b).
9-104. Permit procedure. (1) Application form. A sworn application shall be completed and filed with the city recorder by each applicant for a permit, providing the following information:

(a) Applicants for a permit as a peddler, transient vendor, solicitor or street barker, and as a solicitor for subscriptions, shall provide the following information:

(i) Complete name of applicant, date of birth, social security or other identification number, and physical description.
(ii) Applicant's permanent home address and telephone number.
(iii) Applicant's current address and telephone number.
(iv) Applicant's current business address and telephone number.
(v) A copy of the applicant's current photo identification (driver's license or other acceptable photo identification).
(vi) A list of all persons, including the name, date of birth, social security or other identification number, and driver's license or other acceptable photo identification of all persons who will make sales or solicitations in conjunction with the permit.
(vii) A list of all vehicles, vehicle description, vehicle license and registration information of all vehicles (whether or not the vehicle is owned individually by the person making the sales or solicitations, by the business or organization itself, or rented or borrowed) that will be used in conjunction with the sales or solicitations in conjunction with this permit.
(viii) A brief description of the type of business and the goods to be sold.
(ix) A statement as to whether or not the applicant (and all persons associated with the permit) has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three (3) years, the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.
(x) A list of the last three (3) cities, towns or other political subdivisions (if that many) where the applicant has engaged in business or conduct similar to that proposed in this application, immediately proceeding the date of this application.

(b) Applicant's for a permit as a solicitor for charitable or religious purposes shall provide the following information:

(i) Applicant's (organization's) name, permanent address, and telephone number.
(ii) Applicant's (organization's) contact person and telephone number.
(iii) Reason/purpose for the solicitation.
(iv) If the permit is for a "road block" solicitation, the applicant must also comply with the requirements of § 9-105 (3) of the Clinton Municipal Code.

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

(d) The location(s) in which the applicant proposes to do business or make solicitations.

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

(f) (Reserved).

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, or solicitor shall submit with his application a nonrefundable fee of $100.00. Each applicant for a permit as a street barker or solicitor for subscriptions shall submit a nonrefundable fee of $50.00. There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

(3) Issuance or refusal of permit. (a) The city recorder shall refer each application for permit to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(b) 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.

(c) If as a result of such investigation the chief reports the applicant's moral reputation and business responsibility are satisfactory, the city recorder shall issue the permit, and provide a copy of the permit to the applicant and the chief of police. (as replaced by Ord. #434, June 2002)

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

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors
Prohibited," or similar language carrying the same meaning, is located.  (as amended by Ord. #401, May 2000, and Ord. #429, April 2002, and replaced by Ord. #453, July 2004)

9-106. **Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

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

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

   (a) Fraud, misrepresentation, or incorrect statement contained or omitted in the application for permit, or made in the course of carrying out the business as defined in the permit application.
   (b) Any violation of this chapter.
   (c) Conviction of any crime or misdemeanor.
   (d) Conducting the business as defined in the permit application in an unlawful manner or in such 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) **Appeal of suspension or revocation.** Any applicant whose permit has been issued in accordance with the requirements under this chapter which has been suspended or revoked by the city recorder may appeal such suspension or revocation to the city council. Upon such appeal and after notice thereof, city council shall schedule a hearing to hear testimony on behalf of the permit holder and the city in regards to said suspension or revocation. Notice of the hearing shall include the grounds for which the permit application, at least (5) business
days prior to the date set for the hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) business days prior to the date set for the hearing.

(3) **Action of city council.** The city council, at the hearing as defined in § 9-108 (2) shall have the authority to uphold the actions of the city recorder, or reinstate the suspended or revoked permit as deemed appropriate by a majority vote of council. Such action of city council shall be final. (as replaced by Ord. #434, June 2002)

9-109. **Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for three (3) months. The permit of street barkers shall be issued for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for subscriptions shall expire thirty (30) days after issuance. The permit for solicitors for charitable or religious purposes shall expire at the conclusion of the event/occasion for which the permit is issued. (as replaced by Ord. #434, June 2002)

9-110. **Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.
CHAPTER 2

TAXICABS

SECTION

9-201. Taxicab franchise and privilege license required.
9-202. Requirements as to application and hearing.
9-203. Liability insurance required.
9-204. Revocation or suspension of franchise.
9-205. Mechanical condition of vehicles.
9-207. Inspection of vehicles.
9-208. License and permit required for drivers.
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9-210. Revocation or suspension of driver's permit.
9-211. Drivers not to solicit business.
9-212. Parking restricted.
9-213. Drivers to use direct routes.
9-214. Taxicabs not to be used for illegal purposes.
9-215. Miscellaneous prohibited conduct by drivers.
9-216. Transportation of more than one passenger at the same time.

9-201. 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. (1969 Code, sec. 5-401)

9-202. 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 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 taxicab 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. (1969 Code, sec. 5-402)

9-203. Liability insurance required. No taxicab franchise shall be issued or continue in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the minimum of twenty-five thousand dollars ($25,000.00) for bodily injury or death to any one person, fifty thousand dollars ($50,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and twenty-five thousand dollars ($25,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be canceled except after at least ten (10) days' written notice is given by the insurer to both the insured and the recorder of the municipality. Increased amount shall take effect on the anniversary date of each owner's policy. (1969 Code, sec. 5-403, as amended by Ord. No. 109)

9-204. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for traffic violations or violations of this chapter by the taxicab owner or any driver. (1969 Code, sec. 5-404)

9-205. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear light, safe tire, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1969 Code, sec. 5-405)

9-206. 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. (1969 Code, sec. 5-406)

9-207. Inspection of vehicles. All taxicabs shall be inspected at least semi-annually by the chief of police to insure that they comply with the
requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1969 Code, sec. 5-407)

9-208. 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 city recorder. The city permit shall cost one dollar ($1.00) and shall expire on the 30th day of June of each calendar year. It shall bear on its face a photograph of the permittee, the number of his permit, the expiration date thereof, and such other information as the recorder shall direct. The driver's permit shall be conspicuously displayed in the taxicab at all times while such cab is in operation. (1969 Code, sec. 5-408)

9-209. Qualifications for driver's permit. No person shall be issued or allowed to retain a taxicab driver's permit unless he complies with the following to the satisfaction of the city recorder:

(1) Makes written application (accompanied by two (2) recent, 2 inch by 2 inch, head and shoulder photographs of the applicant) to the city recorder.
(2) Is at least twenty-one (21) 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 three (3) 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, a crime involving moral turpitude, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
(7) Is familiar with the state and local traffic laws. (1969 Code, sec. 5-409)

9-210. Revocation or suspension of driver's permit. The city recorder, after a public hearing, may revoke or suspend any taxicab driver's permit for violating this chapter, having his state chauffeur's license revoked, wilfully and/or persistently violating any of the other provisions of this code, or for becoming unfit physically or morally to operate a taxicab. (1969 Code, sec. 5-410)

9-211. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon streets of the municipality for the purpose of obtaining patronage for their cabs. (1969 Code, sec. 5-411)
9-212. **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. (1969 Code, sec. 5-412)

9-213. **Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destination by the most direct available route. (1969 Code, sec. 5-413)

9-214. **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. (1969 Code, sec. 5-414)

9-215. **Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet, and tranquility of the municipality in any way. (1969 Code, sec. 5-415)

9-216. **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. (1969 Code, sec. 5-416)
CHAPTER 3

POOL ROOMS¹

SECTION

9-301. Prohibited in residential areas.
9-302. Hours of operation regulated.
9-303. Minors to be kept out; exception.
9-304. Gambling, etc., not to be allowed.

9-301. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1969 Code, sec. 5-501)

9-302. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time except as follows: Monday thru Thursday 9:00 a.m. thru 11:00 p.m.; Friday and Saturday 9:00 a.m. thru 12:00 midnight; Sunday 1:00 p.m. thru 6:00 p.m. (1969 Code, sec. 5-402; as replaced by Ord. No. 263; and further replaced by Ord. #351, Nov. 1993)

9-303. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residence. (1969 Code, sec. 5-503, as replaced by Ord. #351, Nov. 1993)

9-304. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1969 Code, sec. 5-504)

¹For privilege tax provisions, etc.: see title 5.
CHAPTER 4

CLINTON FAIR HOUSING OPPORTUNITIES ORDINANCE

SECTION
9-401. Short title. This chapter shall be known as the Clinton Fair Housing Opportunities Ordinance. (as added by Ord. No. 147)

9-402. Definitions. As used in this ordinance: (1) "Agency" means board of housing appeals.
(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
(3) "Family" includes a single individual.
(4) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
(6) "Discriminatory housing practice" means an act that is unlawful under this ordinance. (as added by Ord. No. 147)

9-403. Scope and application. This chapter shall be applicable as follows:
(1) Nothing in this ordinance shall apply to:
   (a) Any single-family house sold or rented by an owner, provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; and, provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this section shall apply only with respect to one such sale within any twenty-four (24) month period; and, provided

1Municipal code reference
   Housing and other related codes: title 12.
further, that such bona fide private individual owner does not own any
interest in, nor is there owned or reserved on his behalf, under any
express or voluntary agreement, title to or any right to all or a portion of
the proceeds from the sale or rental of more than three (3) single-family
houses at any one time; and, provided further, the sale or rental of any
such single-family house shall be excepted from the application of this
section only if such house is sold or rented, (1) without the use in any
manner of the sales or rental facilities or the sales or rental services of
any real estate broker, agent, or salesman, or such facilities or services
of any person in the business of selling or renting dwellings, or of any
employee or agent of any such broker, agent, salesman, or person, and (2)
without the publication, posting, or mailing, after notice, of any
advertisement or written notice in violation of paragraph 4(c) of this
section; but nothing in this provision shall prohibit the use of attorneys,
escrow agents, abstractors, title companies, and other such professional
assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters
occupied or intended to be occupied by no more than four (4) families
living independently of each other, if the owner actually maintains and
occupies one of such living quarters as his residence.

(2) For the purposes of this chapter, a person shall be deemed to be in
the business of selling or renting dwellings if:

(a) He has, within the preceding twelve (12) months,
participated as principal in three (3) or more transactions involving the
sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding twelve (12) months,
participated as agent, other than in the sale of his own personal
residence, in providing sales or rental facilities in two (2) or more
transactions involving the sale or rental of any dwelling or any interest
therein, or

(c) He is the owner of any dwelling designed or intended for
occupancy by, or occupied by, five (5) or more families.

(3) Nothing in this ordinance shall prohibit a religious organization,
association, or society, or any non-profit institution or organization operated,
supervised or controlled by or in conjunction with a religious organization,
association, or society, from limiting the sale, rental or occupancy of dwellings
which it owns or operated for other than a commercial purpose to persons of the
same religion, or from giving preference to such persons, unless membership in
such religion is restricted on account of race, color, sex, or national origin. Nor
shall anything in this ordinance prohibit a private club, not in fact opened to the
public, which as an incident to its primary purpose or purposes provided lodging
which it owns or operates for other than a commercial purpose, from limiting the
rental or occupancy of such lodgings to its members or from giving preference
to its members.
(4) Except as exempted by paragraphs 1 and 3 of this section, it shall be unlawful:
   (a) To refuse to sell or rent after making of bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
   (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, or national origin.
   (c) To make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation or discrimination.  (d) To represent to any person because of race, color, religion, sex, or national origin, that any dwelling is not available for the inspection, sale, or rental when such dwelling is in fact so available.
   (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representatives regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, or national origin.

(5) It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of a dwelling or dwellings in relation to which such loan or other financial assistance is made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in paragraphs 1 and 3 of this section.

(6) It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, or national origin.

(7) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of, his having exercised or enjoyed, or on account of his having aided or encouraged any other
person in the exercise or enjoyment of, any right granted or protected by this ordinance.

(8) It shall be unlawful for anyone, whether or not acting under color of law, to by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(a) Any person because of his race, color, religion, sex, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwellings, or applying for or participating in any service, organization, or facility related to the business of selling or renting dwellings; or

(b) Any person because he is or has been or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, or national origin, in any act of activities, services, organizations or facilities described in subparagraph (a) of this paragraph; or (2) Affording another person or class of persons opportunity or protection so as to participate; or

(c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination, on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations or facilities described in subparagraph (a) of this paragraph, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate. (as added by Ord. No. 147)

9-404. Conciliation process. The mayor shall appoint a board of housing appeals with members adequate to effectively assist conciliation. The conciliation procedure is as follows:

(1) Complaints.

(a) A person who claims that another person has committed a discriminatory housing practice may report that offense to the board and file an informal complaint. An informal complaint may also be filed by the board if he has reasonable evidence to believe that a person has committed a discriminatory housing practice.

(b) The board shall treat a complaint referred by the secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subparagraph (a).

(c) An informal complaint must be in writing, verified and contain the following:

(1) Identity of the actor;

(2) Date of offense and date of filing the informal complaint;
(3) General statement of facts of the offense, including the basis of the discrimination (race, color, sex, religion, or national origin);

(4) Name and signature of complaintant.

(d) Not more than 20 days after the filing of an informal complaint, the board shall notify the actor named in the complaint that:

(1) An informal complaint alleging the commission of a discriminatory housing practice has been filed against the actor;

(2) The actor will be furnished a copy of the complaint upon request; and

(3) The actor may file a written, subscribed, informal answer to the informal complaint.

(e) An informal complaint or answer may be amended at any time before the board notifies the city attorney (under paragraph 5) of a discriminatory housing practice upon which the informal complaint is based. The board shall furnish a copy of each amended informal complaint or answer to the actor or complaintant, respectively, as promptly as practicable.

(f) Except for an offense based on a complaint referred under subsection (b), a person may not be prosecuted in municipal court for a discriminatory housing practice unless an informal complaint on the offense for which he is charged is filed not more than 90 days after the commission of the offense.

(g) The board may not disclose or permit to be disclosed to the public the identity of the actor before the board notifies the city attorney (under paragraph 5) of a discriminatory housing practice alleged against the actor in an informal complaint or while the informal complaint is in the process of being investigated and prior to completion of all negotiations.

(2) Investigation.

(a) With respect to each discriminatory housing practice alleged in an informal complaint and each discriminatory housing practice determined from reasonable evidence by the board for which no informal complaint has been filed, the board shall conduct as promptly as practicable an investigation to determine whether there is probable cause to believe an offense was committed and the facts of the offense. This subsection does not limit the authority of the board to conduct such other investigations or to use such other enforcement procedures, otherwise lawful, as he considers necessary to enforce this chapter.

(b) If the board determines that there is not probable cause to believe that a particular alleged or suspected discriminatory housing practice has been committed, the board shall take no further action with respect to that alleged or suspected offense.

(3) Conciliation agreement.
(a) The board determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been committed, the board and the actor, or a person who owns, controls, or manages a housing accommodation involved in the offense, or a person who employs the actor may voluntarily enter into a conciliation agreement.

(b) If a conciliation agreement is executed under this paragraph, a party to the agreement may not be prosecuted in municipal court for an offense specified in the agreement unless the board determines that the agreement has been violated and notifies the city attorney in writing of the violation.

(c) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the board and each other party to the agreement. A conciliation agreement that is not executed before the expiration of 30 days after notification to the actor as required under paragraph 1(d) must include the city attorney as a party. If a conciliation agreement is not reached within twenty (20) days after the city attorney is included as a party, the city attorney shall immediately notify all parties of the action the city intends to take. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

(d) A conciliation agreement executed under this section must contain:

1. An identification of the discriminatory housing practice and corresponding actor that gives rise to the conciliation agreement under subparagraph (a) and the identification of any other discriminatory housing practice and actor that the parties agree to make subject to the limitation on prosecution in subparagraph (b);
2. Identification of the housing accommodation subject to the conciliation agreement; and
3. A statement that each party entering into the conciliation agreement with the board agrees:
   (a) Not to violate this chapter or the conciliation agreement; and
   (b) To file with the board a periodic activity report which states with respect to each person of the specified class (the race, color, sex, religion, or national origin alleged as the basis of discrimination in the informal complaint on the offense) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing in connection with a housing accommodation or a business relating to selling or renting housing accommodations the name and address or telephone number of the person, the date of each contact, and the result of
each contact. The party who prepares the activity report shall sign and verify the report. An activity report must be filed each month on the date specified in the conciliation agreement for a period of not fewer than three nor more than 24 months, as required by the conciliation agreement.

(e) In addition to the requirements of this subsection, a conciliation agreement may include any other condition agreed to be the parties.

(f) If the board determines that a conciliation agreement has been violated, the board shall give written notice to all actors subject to the agreement.

(4) Violations of conciliation agreement.

(a) A person commits an offense if, after he and the board execute a conciliation agreement he intentionally, knowingly, or recklessly violates the conciliation agreement.

(b) It is no defense to prosecution under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement;

(1) The actor did not commit the offense; or

(2) The board did not have probable cause to believe the offense was committed.

(5) Notification of the city attorney.

(a) Except as otherwise provided in subparagraph (b), if the board determines that there is probable cause to believe that a discriminatory housing practice alleged in an informal complaint has been committed, he shall promptly notify the city attorney in writing of the identification of the actor and offense and request prosecution in municipal court.

(b) If the board elects to attempt a conciliation, he may postpone notification for a period of not more than 30 days after notification to the actor of an informal complaint. However, if a conciliation agreement is executed during the period of postponement, the board is not required to notify the city attorney of the identification of the actor or of an offense specified in the conciliation agreement unless the board determines that the agreement has been violated.

(c) Notification required under subsection (a) is not a prerequisite to prosecution for an offense under this chapter. Except for notice prohibited under subparagraph (b), this paragraph does not limit communications, otherwise lawful, between the board and city attorney.

(6) Dismissal of charges. If, after the city attorney files a charge in the municipal court charging an actor with a discriminatory housing practice, a conciliation agreement is executed before commencement of trial on the offense, the city attorney shall cease prosecution and move for dismissal of the charge. (as added by Ord. No. 147)
9-405. **Fair housing opportunity procedures manual.** A fair housing operating procedures manual, which specifically outlines all the details of the housing discrimination complaint process, including the investigation, the notification, the conciliation, and the monitoring process, shall be used by the board for guidance in the conciliation process. The fair housing operating procedures manual shall be developed by the department of law in consultation with the community development office and shall be made available to the general public. (as added by Ord. No. 147)
CHAPTER 5

ADULT-ORIENTED ESTABLISHMENTS

SECTION

9-502. License required.
9-503. Application for license.
9-504. Standards for issuance of license.
9-505. Permit required.
9-506. Application for permit.
9-507. Standards for issuance of permit.
9-508. Fees.
9-509. Display of license or permit.
9-510. Renewal of license or permit.
9-511. Revocation of license or permit.
9-512. Hours of operation.
9-513. Responsibilities of the operator.
9-514. Prohibitions and unlawful sexual acts.
9-515. Penalties and prosecution.
9-516. Location of adult-oriented establishments restricted.
9-517. Invalidity of part.
9-518, et seq. Reserved.

9-501. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment receiving at least 20% of its gross sales from the sale or rental of books, magazines, periodicals, videotapes, DVD's, films and other electronic media which are distinguished or
characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. "Adult bookstore" shall not include video stores whose primary business is the rental and sale of videos which are not distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "City council" means the City Council of the City of Clinton, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

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

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.
(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:
   (a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
   (b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;
   (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:
   (a) Less than completely and opaquely covered:
       (i) Human genitals, pubic region;
       (ii) Buttocks;
       (iii) Female breasts below a point immediately above the top of the areola; and
   (b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (as added by Ord. #430, May 2002, and amended by Ord. #484, Feb. 2006)

9-502. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Clinton without first obtaining a license to operate issued by the City of Clinton.

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

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

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

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

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #430, May 2002)
9-503. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the city manager. The application shall be filed in triplicate with and dated by the city manager. A copy of the application shall be distributed promptly by the city manager to the Clinton Police Department and to the applicant.

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

   (a) Name and addresses, including all aliases.
   (b) Written proof that the individual(s) is at least eighteen (18) years of age.
   (c) All residential addresses of the applicant(s) for the past three (3) years.
   (d) The applicants' height, weight, color of eyes and hair.
   (e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.
   (f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
   (g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
   (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.
   (i) The address of the adult-oriented establishment to be operated by the applicant(s).
   (j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
   (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
   (l) The length of time each applicant has been a resident of the City of Clinton, or its environs, immediately preceding the date of the application.
If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative’s name.

Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

Within ten (10) days of receiving the results of the investigation conducted by the Clinton Police Department, the city manager shall notify the applicant that his application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city manager shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the city council.

Whenever an application is denied or held for further investigation, the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence as to why his license should not be denied. The city council shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the city council and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Anderson County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he
9-504. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:
   (i) The applicant shall be at least eighteen (18) years of age.
   (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:
   (i) All officers, directors and stockholders required to be named under § 9-502 shall be at least eighteen (18) years of age.
   (ii) No officer, director or stockholder required to be named under § 9-502 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:
   (i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
   (ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Clinton Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city manager no later than twenty (20) days after the date of the application. (as added by Ord. #430, May 2002)
9-505. **Permit required.** In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the city manager. (as added by Ord. #430, May 2002)

9-506. **Application for permit.** (1) Any person desiring to secure a permit shall make application to the city manager. The application shall be filed in triplicate with and dated by the city manager. A copy of the application shall be distributed promptly by the city manager to the Clinton Police Department and to the applicant.

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

(a) Name and address, including all aliases.

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

(c) All residential addresses of the applicant for the past three years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

(i) The length of time the applicant has been a resident of the City of Clinton, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Clinton Police Department, the city manager shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the city manager shall advise the applicant in writing whether the application is granted or denied.
(4) Whenever an application is denied or held for further investigation, the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the board. (as added by Ord. #430, May 2002)

9-507. Standards for issuance of permit. (1) To receive a permit as an employer or entertainer, an applicant must meet the following standards:
   (a) The applicant shall be at least eighteen (18) years of age.
   (b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.
   (c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Clinton Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city manager not later than twenty (20) days after the date of the application. (as added by Ord. #430, May 2002)

9-508. Fees. (1) A license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned. (as added by Ord. #430, May 2002)

9-509. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Clinton Police Department, or any person designated by the city council. (as added by Ord. #430, May 2002)
9-510. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city manager. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city manager. A copy of the application for renewal shall be filed in triplicate with and dated by the city manager. A copy of the application for renewal shall be distributed promptly by the city manager to the Clinton Police Department and to the operator. The application for renewal shall be a form provided by the city manager and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (½) of the total fees collected shall be returned.

(3) If the Clinton Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city manager.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the city manager. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and date by the city manager. A copy of the application for renewal shall be distributed promptly by the city manager to the Clinton Police Department and to the employee. The application for renewal shall be upon a form provided by the city manager and shall contain such information and data, given under oath or affirmation, as may be required by the city manager.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars ($50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the Clinton Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city manager. (as added by Ord. #430, May 2002)
9-511. Revocation of license or permit.  (1) The city manager shall revoke a license or permit for any of the following reasons:

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

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

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

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

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

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnished, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented establishment is permitted or to any portion of the licensed premises where adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Anderson County Health Department.

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

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

(2) The city manager, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the city council, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest
in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (as added by Ord. #430, May 2002)

9-512. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. on weekdays and between the hours of 1:00 A.M. and 12:00 noon on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Clinton Police Department, the Anderson County Sheriff's Department, or such other persons as the city council may designate. (as added by Ord. #430, May 2002)

9-513. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the city council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Clinton Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented
motion pictures shall be considered as entertainment. The operator shall make
the list available immediately upon demand of the Clinton Police Department
at all reasonable times.

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

(7) Every adult-oriented establishment shall be physically arranged
in such a manner that the entire interior portion of the booths, cubicles, rooms
or stalls, wherein adult entertainment is provided, shall be visible from the
common area of the premises. Visibility shall not be blocked or obscured by
doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall
be unlawful to install booths, cubicles, rooms or stalls within adult-oriented
establishments for whatever purpose, but especially for the purpose of secluded
viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any
room or area used for the purpose of viewing adult-oriented motion pictures or
other types of live adult entertainment shall be readily accessible at all times
and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented
establishment shall demand or collect all or any portion of a fee for
entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the
premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by Clinton City Code.

Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for
   entertainment before its completion. (as added by Ord. #430, May
   2002)

9-514. Prohibitions and unlawful sexual acts. (1) No operator,
entertainer, or employee of an adult-oriented establishment shall permit to be
performed, offer to perform, perform or allow customers, employees or
entertainers to perform sexual intercourse or oral or anal copulation or other
contact stimulation of the genitalia.

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

(3) No operator, entertainer, or employee shall encourage or permit
any other person upon the premises to touch, caress, or fondle his or her breasts,
buttocks, anus or genitals of any other person.

(4) No operator, entertainer, employee, or customer shall be unclothed
or in such attire, costume, or clothing so as to expose to view any portion of the
sex organs, breasts or buttocks of said operator, entertainer, or employee with
the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18") inches above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #430, May 2002)

9-515. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars ($50.00) and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #430, May 2002)

9-516. Location of adult-oriented establishments restricted. (1) It shall be unlawful to establish, operate, or maintain any adult-oriented business establishment, that is, adult bookstore, adult motion picture theater, adult mini motion picture theater, or adult cabaret, within the city, if the proposed location is within one-thousand (1,000) feet of:

(a) A residentially zoned district;
(b) Any area of amusement which caters to family entertainment;
(c) Any area which is devoted in part or exclusively to recreational activity;
(d) Any school, park, church, mortuary, or hospital;
(e) Any adult-oriented business establishment as defined by this section; or
(f) Any other regulated uses, including but not limited to establishments authorized to sell any alcoholic beverages for on or off premises consumption. Any location selling beverages that contain less than five (5) percent alcohol are not to be considered with regard to the required spacing. (as added by Ord. #430, May 2002)

9-517. Invalidity of part. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #430, May 2002)

9-518, et seq. Reserved. (as added by Ord. #430, May 2002)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION
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. Cruel treatment prohibited.
10-107. Seizure and disposition of animals.

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

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

10-102. **Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line.

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.

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

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.

10-106. **Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.

10-107. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the city council. 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 city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance.
CHAPTER 2

DOGS AND CATS

SECTION
10-201. Rabies vaccination and registration required.
10-202. Dogs and cats to wear tags.
10-203. Running at large prohibited.
10-204. Vicious dogs and cats to be securely restrained.
10-205. Noisy dogs and cats prohibited.
10-207. Seizure and disposition of dogs and cats.
10-208. Destruction of vicious or infected dogs and cats running at large.
10-209. Removal of animal waste required.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law. (as replaced by ord. No. 337)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (as replaced by ord. No. 337)

10-203. Running at large prohibited. It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as replaced by ord. No. 337)

10-204. Vicious dogs and cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely

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1State law reference
restrained as to provide reasonably for the protection of other animals and persons. (as replaced by ord. No. 337)

10-205. Noisy dogs and cats prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, meowing, whining, or howling, disturbs the peace and quiet of any neighborhood. (as replaced by ord. No. 337)

10-206. Confinement of dogs and cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (as replaced by ord. No. 337)

10-207. Seizure and disposition of dogs or cats. Any dog or cat found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the city council. If the dog or cat is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog or cat by paying a reasonable pound fee, in accordance with a schedule approved by the city council, or the dog or cat will be sold or humanely destroyed. If the dog or cat is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and had a tag evidencing such vaccination placed on its collar. (as replaced by ord. No. 337)

10-208. Destruction of vicious or infected dogs and cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any policeman² or other properly designated officer. (as replaced by ord. No. 337)

10-209. Removal of animal waste required. The owner or custodian of any dog or cat shall be responsible for the immediate removal of any excreta deposited by his/her animal(s) on any public walks, streets, alleys, right-of-way,

²State law reference
For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).
recreational areas, parks and ball fields, or on any private property not belonging to the owner/custodian of such animal.

(1) Voluntary removal and disposal of such excreta shall not constitute a violation of this section.

(2) The provisions of this section shall not apply to guide dogs under the control of a disabled person, not to dogs used in police activities of the city.

(3) This section shall be enforced under the provisions of section 6-302 of the Clinton Municipal Code. (as added by Ord. #411, July 2001)
TITLE 11

MUNICIPAL OFFENSES

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted\(^1\). All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1969 code, sec. 11-101)

\(^1\)Municipal code references
  Alcohol: title 8.
  Animals and fowls: title 10.
  Housing and utilities: title 12.
  Open burning, fireworks and explosives: title 7.
  Traffic offenses: title 15.
  Streets and sidewalks (non-traffic): title 16.

\(^2\)State law reference
  For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-1-103 and 39-1-104.
CHAPTER 2

ALCOHOL

SECTION
11-201. Public drunkenness.
11-202. Drinking alcoholic beverages in public, etc.


11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1969 code, sec. 10-228)

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1Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

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

11-301. Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1969 code, sec. 10-215)

11-302. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1969 code, sec. 10-216)

11-303. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1969 code, sec. 10-234)
CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.
11-402. Anti-noise regulations.

11-401. **Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1969 code, sec. 10-202)

11-402. **Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) **Yelling, shouting, etc.** Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the
quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) **Pets.** The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) **Use of vehicle.** The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

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

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

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

(j) **Loading and unloading operations.** The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers between the hours of eleven (11:00) PM and seven (7:00) AM.

(k) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.
(l) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

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

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

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

(d) **Events sanctioned by the City of Clinton Schools and the Anderson County Schools, any Anderson County sanctioned event, Clinch River Antiques Festival and the Anderson County Fair.** Including, but not limited to: athletic events, parades, fairs, festivals, firework celebrations, band practices and performances. (1969 Code, § 10-233, as amended by Ord. #565, Aug. 2009, and Ord. #569, March 2010)
CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-501. Escape from custody or confinement.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1969 code, sec. 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1969 code, sec. 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1969 code, sec. 10-217)
CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION
11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. **Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1969 code, sec., 10-213)

11-602. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1969 code, sec. 10-214)

11-603. **Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1969 code, sec. 10-212, modified)
CHAPTER 7
OTHER OFFENSES

SECTION
11-701. Trespassing.
11-702. Malicious mischief.
11-703. Interference with traffic.

11-701. **Trespassing.**¹ (1) On premises open to the public.
   (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.
   (b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

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

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

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

(5) **Peddlers, etc.** It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.²

¹State law reference
Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-3-1201 et seq.

²Municipal code reference
11-702. **Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1969 code, sec. 10-225)

11-703. **Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1969 code, sec. 10-232)
CHAPTER 1

BUILDING CODE

SECTION

12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the
International Building Code,\(^1\) 2009 edition, including all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding Appendix A and H, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the building code. (as amended by Ord. #281, replaced by Ord. #372, March 1997, amended by Ord. #417, Sept. 2001, and replaced by Ord. #476, Dec. 2005, and Ord. #589, Aug. 2011)

12-102. Modifications. (1) Definitions. Whenever in the building code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Building Code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: Structure building classification is determined from the International Building Code and the square footage of the structure is multiplied by the appropriate multiplier from the Building Valuation Data Sheet (Attachment 1)\(^2\) to determine a total cost for the structure. The actual permit fee will be taken from the Building Permit Fee Chart (Attachment 2)\(^2\) and applied to the permit.

(3) Attachment 2. The schedule of permit fees set forth in Attachment 2 is amended so that a maximum building inspection fee of one thousand dollars ($1000.00) shall be charged for the construction, alteration, etc., of any church building which is used or to be used exclusively for worship or church services or meetings, provided the construction, alteration, etc., of said church building has been designated by a duly qualified architect or engineer.

(4) IBC Chapter 33 section 3303. The following texts additions to this section in the International Building Code will be applied as additional code sections pertaining to demolition.

(a) 3303.7 All demolitions within the City of Clinton related to buildings and/or structures shall be in accordance with the International Building Code adopted by the city. The standards set forth in this section shall apply to demolition of all buildings and structures. Where the demolition of a non-residential building or structure exceeds five thousand square feet (5,000 sq ft), the city must issue a building permit before the activity can commence.

(b) 3303.8 DEMOLITION, the act of razing, dismantling or removal of a building or structure that exceeds five thousand square feet

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

\(^2\)Attachments 1 and 2 are of record in the office of the recorder.
(5,000 sq ft), or portion thereof, to the ground level. Renovations to non-
residential buildings or structures, which exceed five thousand square
feet (5,000 sq ft). The five thousand square feet (5,000 sq ft) is the total
area to be impacted within a three (3) year period regardless of whether
the project is phased.

(c) 3303.9 Where demolition of a non-residential building or
structure requires the issuance of a permit, and where the structure was
constructed prior to 1978, the city can request a copy of a Phase 1
Environmental Assessment for the building or structure. The assessment
shall be prepared in accordance with current ASTM requirements, and
the expense of the same shall be the sole responsibility of the permittee.
In the event that a recognized environmental condition is identified as
part of the assessment, the permittee will be required to undertake
additional sampling and/or testing as is warranted. In addition, the
permittee must submit a remediation plan, including the location of
where such material is to be disposed, as part of the permit application.

(d) 3303.10 In the event that a demolition permit is required by
section IBC 105.1 and the demolition takes place without a permit having
been issued, the City of Clinton reserves the right to cause the work to
cease in accordance with its legal authority. In addition, if an
environmental hazard exists in connection with the work and which is
not being properly addressed in accordance with federal and state
guidelines, the City of Clinton reserves the right to remediate the
environmental condition with the cost associated with the same to be
borne by the property owner. (as replaced by Ord. #372, March 1997,
amended by Ord. #417, Sept. 2001, and Ord. #436, Sept. 2002, and
replaced by Ord. #476, Dec. 2005, and Ord. #589, Aug. 2011)

12-103. Available in recorder's office. Pursuant to the requirements of
the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has
been placed on file in the recorder's office and shall be kept there for the use and
inspection of the public. (1969 Code, § 4-103, as replaced by Ord. #372, March

12-104. Violations and penalty. It shall be unlawful for any person to
violate or fail to comply with any provision of the building code as herein
adopted by reference and modified. The violation of any section of this chapter
shall be punishable by a penalty under the general penalty provision of this
code. The penalty for violations of the building code shall be punishable by fines
not less than fifty dollars ($50.00) and not more than five hundred dollars
($500.00). Each day a violation is allowed to continue shall constitute a separate
offense. (1969 Code, § 4-104, replaced by Ord. #372, March 1997, amended by
Ord. #417, Sept. 2001, and replaced by Ord. #476, Dec. 2005, and Ord. #589,
Aug. 2011)
CHAPTER 2

EXISTING BUILDING CODE

SECTION

12-201. Existing building code adopted.
12-203. Available in recorder's office.
12-204. Violations and penalty.

12-201. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for alteration, repair, use, change of occupancy, location, maintenance, relocation, removal, and demolition of existing buildings or structures or any appurtenance connected or attached to any existing building or premises, structures, equipment and facilities, life safety, or to provide safeguards for the public health, safety and welfare, the International Existing Building Code, 2009 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the existing building code. (as added by Ord. #589, Aug. 2011)

12-202. Modifications. Whenever in the existing building code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Existing Building Code are concerned. (as added by Ord. #589, Aug. 2011)

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the existing building code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date. (as added by Ord. #589, Aug. 2011)

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1The original chapter 2, "Existing Building Code" as adopted by Ord. #335, Dec. 1991 was deleted by Ord. #481, Dec. 2005.

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-204. **Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #589, Aug. 2011)
CHAPTER 3
RESIDENTIAL CODE

SECTION
12-301. Residential code adopted.
12-302. Modifications.
12-303. Available in recorder's office.
12-304. Violations and penalty.

12-301. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,\(^1\) 2009 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding IRC Section P2904 Dwelling Unit Fire Sprinkler Systems and IRC Section N1102.4.2.1 Testing Option, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the residential code. (Ord. #286, as replaced by Ord. #373, March 1997, Ord. #418, Sept. 2001, Ord. #477, Dec. 2005, and Ord. #589, Aug. 2011)

12-302. Modifications. Permit fees for residential structures shall be evaluated from the International Residential Building Code using (attachment 1)\(^2\), as described in § 12-102(2) and permit fees assigned from (attachment 2)\(^2\), in accordance with § 12-102(2). (as replaced by Ord. #373, March 1997, Ord. #418, Sept. 2001, Ord. #477, Dec. 2005, and Ord. #589, Aug. 2011)

12-303. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #477, Dec. 2005, and replaced by Ord. #589, Aug. 2011)

12-304. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. The penalty for violations of the building code shall be punishable by fines

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

\(^2\)Attachments 1 and 2 are of record in the office of the recorder.
not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #477, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
CHAPTER 4

UNSAFE BUILDING ABATEMENT CODE

SECTION
12-402. Modifications.
12-403. Available in recorder's office.
12-404. Violations.

12-401. Code adopted. Pursuant to the authority granted by sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of insuring and improving the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of building, structure, or premises, the Standard Unsafe Building Abatement Code,¹ 1991 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereafter referred to as the unsafe building abatement code. Compliance with the provisions thereof shall be made whenever such provisions are applicable to a proposed activity or action.

12-402. Modifications. Whenever the Standard Unsafe Building Abatement Code refers to the "building official," the same shall be deemed to refer to the city manager or his designee. Whenever reference is made to the chief appointing authority, the same shall be deemed to refer to the city manager.

12-403. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the Standard Unsafe Building Abatement Code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-404. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of this unsafe building abatement code as herein adopted by reference and modified.

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 5

PROPERTY MAINTENANCE CODE

SECTION

12-503. Available in recorder's office.
12-504. Violations and penalty.

12-501. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the International Property Maintenance Code,\textsuperscript{2} 2009 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the property maintenance code. \textsuperscript{1} (as amended by Ord. #287, and replaced by Ord. #374, March 1997, Ord. #419, Sept. 2001, Ord. #481, Dec. 2005, and Ord. #589, Aug. 2011)

12-502. Modifications. Whenever in the property maintenance code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Property Maintenance Code are concerned. (1969 Code, § 4-503, replaced by Ord. #374, March 1997, amended by Ord. #419, Sept. 2001, and replaced by Ord. #481, Dec. 2005, and Ord. #589, Aug. 2011)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the property maintenance code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before

\textsuperscript{1}Municipal code reference
Fair housing: title 9, chapter 5.

\textsuperscript{2}Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision on this code. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall continue shall constitute a separate offense. (as added by Ord. #481, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
CHAPTER 6

PLUMBING CODE\(^1\)

SECTION
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violations and penalty.

12-601. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,\(^2\) 2009 edition, including all Appendices and Reference Standards as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (as amended by Ord. #282, replaced by Ord. #375, March 1997, amended by Ord. #420, Sept. 2001, and replaced by Ord. #480, Dec. 2005, and Ord. #589, Aug. 2011)

12-602. Modifications. (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city council.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referenced to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the international plumbing code.

(2) Permit fees. The schedule of permit fees as recommended in "Appendix "A" of the plumbing code is hereby amended so that the fees to be collected shall be as follows: A multiplier of two point one (2.1) for the total

\(^1\)Municipal code references
Cross connections: title 18, chapter 3.
Street excavations: title 16, chapter 2.
Wastewater treatment: title 18, chapter 2.
Water and sewer system administration: title 18, chapter 1.

\(^2\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
number of fixture units in a structure, plus a ten dollar ($10.00) review fee will be calculated for the total plumbing permit fee. (1969 Code, § 4-203, as replaced by Ord. #375, March 1997, Ord. #480, Dec. 2005, and Ord. #589, Aug. 2011)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-103, as replaced by Ord. #375, March 1997, amended by Ord. #420, Sept. 2001, and replaced by Ord. #480, Dec. 2005, and Ord. #589, Aug. 2011)

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #480, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
CHAPTER 7

ELECTRICAL CODE

SECTION
12-701. Electrical code adopted.
12-702. Permits required for doing electrical work.
12-703. Available in recorder's office.
12-704. Violations.

12-701. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity, the National Electrical Code, 2008 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (as amended by Ord. #289, replaced by Ord. #376, March 1997, amended by Ord. #421, Sept. 2001, and replaced by Ord. #589, Aug. 2011)

12-702. Permits required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the Clinton Utilities Board. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1969 Code, 12-302, as replaced by Ord. #376, March 1997, and Ord. #589, Aug. 2011)

12-703. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-303, as replaced by Ord. #376, March 1997, and Ord. #589, Aug. 2011)

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the electrical code as herein adopted by

\[1\]Municipal code reference
Fire protection, fireworks and explosives: title 7.

\[2\]Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.
reference and modified. The penalty for violations of the electrical code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (1969 Code, § 4-304, as replaced by Ord. #376, March 1997, amended by Ord. #421, Sept. 2001, and replaced by Ord. #589, Aug. 2011)
CHAPTER 8

GAS CODE

SECTION
12-802. Modifications.
12-803. Available in the recorder's office.
12-804. Violations and penalty.


12-802. Modifications. (1) Definitions. Whenever in the fuel gas code when reference is made to the duties of a certain official named therein, that designated official of the City of Clinton who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: A fee of ten dollars ($10.00) shall be assessed on all permits and/or permit request that require the installation, repair, or alteration in accordance with the International Fuel Gas Code. (as amended by Ord. #283, and replaced by Ord. #377, March 1997, Ord. #478, Dec. 2005, and Ord. #589, Aug. 2011)

12-803. Available in the recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #377, March 1997, Ord. #478, Dec. 2005, and Ord. #589, Aug. 2011)

1Municipal code reference
Gas system administration: title 13, chapter 3.

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-804. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #478, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
12-901. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code\(^1\), 2009 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, excluding Appendix B Permit Fees, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #284, replaced by Ord. #378, March 1997, amended by Ord. #423, Sept. 2001, and replaced by Ord. #479, Dec. 2005, and Ord. #589, Aug. 2011)

12-902. Modifications. Permit fees, the schedule of permit fees shall be as follows: A fee of thirty dollars ($30.00) shall be assessed on all permits and/or permit request that require the installation, repair, or alteration in accordance with the International Mechanical Gas Code. (as added by Ord. #378, March 1997, and replaced by Ord. #479, Dec. 2005, and Ord. #589, Aug. 2011)

12-903. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #378, March 1997, amended by Ord. #423, Sept. 2001, and replaced by Ord. #479, Dec. 2005, and Ord. #589, Aug. 2011)

12-904. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
constitute a separate offense. (as added by Ord. #479, Dec. 2005, and replaced by Ord. #589, Aug. 2011)
CHAPTER 101
ENERGY CONSERVATION CODE

SECTION
12-1002. Available in recorder's office.
12-1003. Violations.

12-1001. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for the design of energy efficient building envelopes and installation of energy efficient mechanical, lighting, and power systems through requirements emphasizing performance using new materials, new energy efficient designs, and performance related provisions, the International Energy Conservation Code,2 2009 edition, and all Appendices and Reference Standards as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the energy conservation code. (as added by Ord. #589, Aug. 2011)

12-1002. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #589, Aug. 2011)

12-1003. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The penalty for violations of the building code shall be punishable by fines not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #589, Aug. 2011)

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1The original chapter 10, "Swimming Pool Code" as adopted by Ord. #335, Dec. 1991, as replaced by Ord. #379, March 1997, was deleted by Ord. #481, Dec. 2005.

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 11

AMUSEMENT DEVICE CODE

SECTION
12-1102. Enforcement.
12-1103. Violations.

12-1101. Code adopted. There is hereby adopted for the purpose of establishing rules and regulations relative to amusement devices the Standard Amusement Device Code,

12-1102. Enforcement. The fire department and codes enforcement departments of the city shall have the responsibility for the enforcement of this chapter.

12-1103. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the code herein adopted by reference.

Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER
1. GENERAL.
2. JUNKED MOTOR VEHICLES.
3. DUST CONTROL.
4. SLUM CLEARANCE.

CHAPTER 1

GENERAL

SECTION
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. (1969 Code, sec. 8-704)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1969 Code, sec. 8-1006)

13-103. Weeds and grass. Every owner, tenant or occupant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order of the city manager to cut such vegetation when it has reached a height of over one (1) foot. (1969 Code, sec. 8-707)

1Municipal code references
Building and related codes: title 12.
Refuse storage and collection: title 17.
13-104. Overgrown and dirty lots.¹ (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer responsible for enforcement. The provisions of this section shall be enforced by the building official for the City of Clinton.

(3) Notice to property owner. It shall be the duty of the building official to serve notice upon the owner of record in violation of this section to remedy the condition immediately. The notice shall state in plain language that the owner of record must 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 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 this section and that the property of such owner may be cleaned-up by the city 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;
   (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. (a) If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays.

¹Municipal code reference
Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up, but not to prosecute the owner in city court.
communications, electricity, gas, liquids, steam, sewage, or other materials), then the building official may immediately cause the condition to be remedied or removed at a cost that shall be in conformity with reasonable standards prevailing in the city, and the cost shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Anderson County, the costs shall be a lien on the property in favor of the city, second only to liens of the state, county, and city for taxes, any lien of the city 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 city as a lien and shall be added to property tax bills to 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.

(b) The provisions of subsection (a) above, shall apply to all real property, including owner-occupied residential property. However, in the case of owner-occupied residential property, the building official shall 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 the cost for which the lien attached are collectable as provided herein.

(5) **Action for debt.** In the addition to the other remedies provided herein, the city may collect the cost assessed against the property owner or owners 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 owners of the properties against whom such cost 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.

(6) **Appeal.** The owner of record who is aggrieved by the determination and order of the building official may appeal the determination and order to the city council. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued by the building official. 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 city council under subsection (5) above may seek judicial review of the order or act. The time period established in (4) above shall be stayed during the pendency of the 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 grass, weeds, underbrush and/or the elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as replaced by Ord. #576, Feb. 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 city recorder and dispose of such animal in such manner as the city recorder shall direct.

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.

13-107. Violations and penalties. It shall be unlawful for any person to violate any provision of this chapter. Violations shall be punished in accordance with the general penalty provisions of this municipal code of ordinances, except violations of section 13-104, which shall be disposed of in accordance with the procedure and remedy therein described.
CHAPTER 2

JUNKED MOTOR VEHICLES

SECTION
13-201. Definitions.
13-203. Order to remove junked motor vehicles.
13-205. Exemptions.

13-201. Definitions. A motor vehicle, for all purposes hereunder, is defined as any vehicle which is self-propelled and any device in, upon or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks. A junked motor vehicle is any motor vehicle the condition of which is any one or more of the following: (1) wrecked; (2) dismantled; (3) inoperative; (4) abandoned; (5) discarded. (1969 Code, sec. 8-701)

13-202. Presence of junked motor vehicles a public nuisance. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Clinton, Tennessee, shall be deemed a public nuisance, and it shall be unlawful for any person or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle or vehicles on the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party. However, this section shall not apply to the following:
   (1) Any junked motor vehicle in a completely enclosed building.
   (2) Any junked motor vehicle in a appropriate storage place or depository maintained in an officially designated place and manner by the City of Clinton. (1969 Code, sec. 8-702)

13-203. Order to remove junked motor vehicles. Whenever any junked motor vehicle is found within the City of Clinton in violation of this chapter, the city manager or his duly authorized representative shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of same. (1969 Code, sec. 8-703, modified)
13-204. Removal by city of junked motor vehicles. If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city manager or his duly authorized representative shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle in question, and disposing of same in accordance with and as authorized by Tennessee Code Annotated, sections 55-16-103 through 55-16-109. Such impoundment and disposition shall not relieve any person or party from liability for penalty upon conviction for violating other provisions of this municipal code, but is in addition to any other penalty. (1969 Code, sec. 8-704)

13-205. Exemptions. The provisions of this chapter shall not apply to the following:
(1) Motor vehicles in operable condition and specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
(2) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation.
(3) Motor vehicles stored, with the permission of the property owner, by a member of the armed forces of the United States who is on active duty assignment. (1969 Code, sec. 8-705)
CHAPTER 3

DUST CONTROL

SECTION
13-301. Findings.
13-304. Initial determination, notice, and abatement.
13-305. Failure to abate; abatement by city.

13-301. Findings. The city council hereby finds that fugitive dust and the dispersal on the public right of way of dust, sawdust, mud, dirt, coal and crushed rock resulting from the industrial or commercial use of real property constitutes a hazard to the public health, causes the depreciation of real estate values, reduces tax receipts by impairing the tax base, causes blight, imposes costs for additional public services and maintenance of public rights of way, creates traffic hazards and is otherwise a public nuisance. (as added by Ord. No. 275)

13-302. Definitions. The following words and phrases, which shall apply in the interpretation of this chapter, are defined as follows:

(1) "Fugitive Dust" shall mean solid particulate matter emitted from any source other than a stack or chimney and created by natural forces, construction work, mechanical processes or movements of motor vehicles.

(2) "Source" shall mean that real property which is the point of entrainment of fugitive dust.

(3) "Particulate Matter" shall mean any material, except unadulterated water, that exists in an finely divided form as a liquid or solid.

(4) "All-Weather Surface" is that base treatment or surface material which in the opinion of the city council upon competent evidence thereof, will prevent the entrainment of fugitive dust from the source. (as added by Ord. No. 275)

13-303. Discharge of fugitive dust unlawful. It shall be unlawful for any person owning, leasing, occupying or having charge of any premises in the City of Clinton to conduct any enterprise on such premises in such manner which in the determination of the codes enforcement officer is directly resulting in fugitive dust, sawdust, mud, dirt, coal, crushed rock or other similar material being discharged, carried or entrained from the property to the extent that any of the following conditions result:

(1) Injury, detriment or nuisance or annoyance to the public;
(2) Danger to the comfort, repose, health or safety of the public;
(3) Injury or damage to business or property;
(4) Hazardous conditions on the public right of way;
(5) Blight or the impairment of property values;
(6) Increased costs for the maintenance of the public right of way; or
(7) Any condition set forth in section 13-301.
(as added by Ord. No. 275)

13-304. Initial determination, notice, and abatement. Whenever the codes enforcement officer has inspected or caused to be inspected any premises and has found and determined there is reasonable cause to believe that such premises are in violation of section 13-303, he shall give written notice to the owner of record of the premises, containing:

(a) The street address and such other description as is required to identify the source;
(b) A statement describing the conditions believed to be in existence in violation of section 13-303;
(c) A statement of the action required to be taken to abate the conditions; and
(d) A request to the owner to, within ten (10) days, meet with or communicate with the codes enforcement officer, or his designee, to discuss abatement.

The above notice shall be sent certified mail to the owner of record. (as added by Ord. No. 275)

13-305. Failure to abate; abatement by city. In the event the owner shall fail, neglect or refuse to abate the conditions in violation of section 13-303 within 30 days of written notice, the city council may direct the abatement of the conditions on the subject property by the city manager or his designee. Such abatement may be effected by city employees or by private contract, and the city manager and his designees are expressly authorized to enter upon the property for such purposes. The cost of such abatement may be assessed against the owner and/or the property involved. (as added by Ord. No. 275)
CHAPTER 4

SLUM CLEARANCE

SECTION
13-402. Definitions.
13-403. Public officer designated; powers.
13-404. Initiation of proceedings; hearings.
13-405. Orders to owners of unfit structures.
13-406. When public officer may repair, etc.
13-407. When public officer may remove or demolish.
13-408. Lien for expenses; sale of salvaged materials; other powers.
13-409. Basis for fining of unfitness.
13-410. Service of complaints or orders.
13-411. Enjoining enforcement of orders.
13-412. Additional powers of public officer.
13-413. Powers conferred are supplemental.

13-401. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council 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. (as added by Ord. #599, Nov. 2013)

13-402. 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" means the city council, charged with governing the city.
(3) "Municipality" means the City of Clinton, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.
(4) "Owner" means the holder of title in fee simple and every mortgagee of record.
(5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure 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" means 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 a dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #599, Nov. 2013)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the code enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the code enforcement officer. (as added by Ord. #599, Nov. 2013)

13-404. 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 occupation 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 charge 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 have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #599, Nov. 2013)

13-405. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #599, Nov. 2013)

13-406. When public officer may repair, etc. If the owner fails to comply with an order to repair alter or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #599, Nov. 2013)

13-407. 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 or demolished. (as added by Ord. #599, Nov. 2013)

13-408. 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 Anderson 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 Clinton to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #599, Nov. 2013)

13-409. 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 Clinton. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as added by Ord. #599, Nov. 2013)

13-410. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this part 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 municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the structures are located. 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 Anderson County register's office, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #599, Nov. 2013)

13-411. 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
13-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.  (as added by Ord. #599, Nov. 2013)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.  (as added by Ord. #599, Nov. 2013)

13-414. 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 or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.  (as added by Ord. #599, Nov. 2013)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE OF THE CITY OF CLINTON, TENNESSEE.
3. GENERAL PROVISIONS.
4. APPLICATION OF REGULATIONS.
5. ESTABLISHMENT OF DISTRICTS.
6. PROVISIONS GOVERNING USE DISTRICTS.
7. REFERENCE TABLES.
8. EXCEPTIONS AND MODIFICATIONS.
9. ADMINISTRATION AND ENFORCEMENT.
10. BOARD OF ZONING APPEALS.
11. HISTORIC ZONING COMMISSION.
12. AMENDMENTS.
13. LEGAL STATUS PROVISIONS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership. Pursuant to the provisions of § 13-4-101, of the Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body 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, two, three, four, and five years respectively so that the term of one member expires each year.

1Chapters 2 through 13 of this title constitute the zoning ordinance of the City of Clinton, Tennessee.
The term of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1969 Code, sec. 11-101, as replaced by Ord. #384, § 1, Feb. 1998)

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. (1969 Code, sec. 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1969 Code, sec. 11-103)

14-104. Fees for application to the planning commission. The following fees shall be charged to individuals or entities appearing before the Clinton Municipal/Regional Planning Commission for the following requests:

1. Site Plan Review -
   - B-1 district $40.00
   - B-2 district $40.00
   - B-3 district $40.00
   - B-4 district $40.00
   - M-1 district $40.00
   - M-2 district $65.00
   - Other districts $40.00

2. Rezoning request $40.00
3. Planned Unit Development $40.00
4. Condominium Planned Unit Development $80.00
5. Preliminary Subdivision Plat $40.00
6. Final Subdivision Plat $20.00

A2 Permit Fees

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<td>$1,000.00 and Less</td>
<td>No fee, unless inspection required, in which case a fifteen dollar ($15.00) fee for each inspection shall be charged.</td>
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<td>$1,001.00 to $50,000.00</td>
<td>Fifteen dollars ($15.00) for the first one thousand dollars ($1,000.00) plus five dollars ($5.00) for each additional thousand of fraction thereof, to and</td>
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including fifty thousand dollars ($50,000.00).

$50,001.00 to $100,000.00
Two hundred sixty dollars ($260.00) for the first fifty thousand dollars ($50,000.00) plus four dollars ($4.00) for each additional thousand or fraction thereof, to and including one hundred thousand dollars ($100,000.00).

$100,001.00 to $500,000.00
Four hundred sixty dollars ($460.00) for the first one hundred thousand dollars ($100,000.00) plus three dollars ($3.00) for each additional thousand or fraction thereof, to and including five hundred thousand dollars ($500,000.00).

$500,001.00 and up
One thousand six hundred sixty dollars ($1,660.00) for the first five hundred thousand dollars ($500,000.00) plus two dollars ($2.00) for each additional thousand or fraction thereof.

### A2 MOVING FEE
For the moving of any building or structure, the fee shall be one hundred dollars ($100.00).

### A2 DEMOLITION FEE
For the demolition of any building or structures, the fee shall be:
- 0-100,000 cu ft  
  Fifty dollars ($50.00)
- 100,000 cu ft and up  
  Fifty cents per thousand cubic feet ($0.50/1,000 cu ft)

### A3 PRE-FABRICATED POLE STRUCTURES
Fees for pre-fabricated Pole Barn structures that are sold as a completed building kit will be based upon the Total Valuation fee structure listed above and upon the permit applicant providing a bill of sale for the structure with a complete labor cost.

### A4 PENAL TIES
Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying
with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (as added by Ord. #566, Sept. 2009)
CHAPTER 2

ZONING ORDINANCE OF THE CITY OF CLINTON, TENNESSEE

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14-201. Authority. An ordinance, in pursuance of the authority granted
by sections 13-7-201 through 13-7-210 and section 13-7-401, Tennessee Code
Annotated, for the purpose of promoting the public health, safety, morals,
convenience, order, prosperity, and general welfare; to provide for the
establishment of districts within the corporate limits; to regulate within such
districts, the location, height, bulk, number of stories and size of buildings and
structures, the percentage of lot occupancy, the required open spaces, the
density of population and the uses of land, buildings and structures; to provide
methods of administration of this ordinance and to prescribe penalties for the
violation thereof. (Ord. No. 317, sec. 2)

14-202. Short title. Chapters 2 through 13 in this title shall be known
as the "Zoning Ordinance of the City of Clinton, Tennessee." The map herein
referred to as the "Zoning Map of Clinton, Tennessee," and all explanatory
matter thereon are hereby adopted and made a part of this code. A copy of the
zoning map is on file in the building official's office at the Clinton Municipal
Building. (Ord. No. 317, sec. 2)

14-203. Purpose. These zoning regulations and districts as herein set
forth have been made in accordance with a comprehensive plan for the purpose
of promoting the health, safety, morals, and the general welfare of the
community. They have been designed to lessen congestion in the streets, to
secure safety from fire, panic and other danger, to provide adequate light and
air, to prevent the overcrowding of land, to avoid undue concentration of
population, to facilitate the adequate provision of transportation, water,
sewerage, schools, parks, and other public requirements. They have been made
with reasonable consideration among other things, as to the character of each
district, and its particular suitability for particular uses, and with a view of
conserving the value of buildings and encouraging the most appropriate use of
land throughout the city. (Ord. No. 317, sec. 2)

14-204. Definitions. Unless otherwise stated, the following words shall,
for the purpose of this ordinance, have the meaning herein indicated. Words
used in the present tense include the future. The singular number includes the
plural and the plural the singular. The word "shall" is mandatory, not directory.
The words "used" or "occupied" as applied to any land or building shall be
construed to include the words intended, arranged, or designed to be used or
occupied.
(1) "Access." The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
(2) "Advertising." Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.
(3) "Alley." A vehicular travelway which affords a secondary means of access to the back or side of properties otherwise abutting a street.
(4) "Antenna." A metallic/graphic/fiberglass apparatus (aerial) for sending and receiving electromagnetic waves.
(5) "Arterial." A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from major collectors.
(6) "Boarding or rooming house, tourist home, or bed and breakfast inn." A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
(7) "Buffer strip." A strip of land not less than ten (10) feet in width and on which plant material is planted that has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height within two (2) years of planting.
(8) "Buildable area of a lot." That portion of a lot bounded by the required rear yard, side yards and the building setback line (See Appendix A, Illustration A).
(9) "Building." Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.
  (a) "Building or use, accessory." A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
  (b) "Building, modular." A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly or similar terms.
  (c) "Building, prefabricated." A building constructed on-site from components which have been prefabricated, panelized, or constructed in sections off-site.
  (d) "Building, principal." A building in which is conducted the main or principal use of the lot on which said building is located.
(10) "Building height." The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.
(11) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no
building or other structure shall be placed except as otherwise provided. These setbacks shall be measured from the property line to the nearest point of exposed foundation, building/porch support, or farthest extending protrusion of the building/structure. (See Appendix A, Illustration B).

(12) "Business services." Establishments engaged primarily in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; and, office equipment rental.

(13) "Carport." A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.

(14) "Certificate of appropriateness." Certification which is issued by either the building official or the Clinton Historic Zoning Commission and which is required prior to any exterior changes being undertaken to any structure or any alterations being made in parking, yards, or other open spaces within the H-1 District.

(15) "Club." Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.

(16) "Condominium." A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

(17) "Day care center." An establishment which receives for care supervision six (6) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery and play schools, and non-public kindergartens.

(18) "Development." Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(19) "Driveway." A single curb cut allowing access to and/or from a parcel. A single driveway may be split by a median if the total width for entrance, exit and median does not exceed forty (40) feet.

(20) "Dwelling unit." One or more rooms designed as a unit for occupancy as living quarters for sleeping and cooking purposes.

(a) "Dwelling, multi-family." A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.

(b) "Dwelling, single family." A building designed, constructed and used for one dwelling unit.
(c) "Dwelling, two family or duplex." A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.

(21) "Family." One or more persons occupying a premise and living together as a single housekeeping unit.

(22) "Flood." A temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff of surface water from any source.

(23) "Floor area." The total area of all floors of a building including a finished attic and finished basement.

(24) "Home occupation." Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit and/or other structure located on the same lot as the dwelling unit.

(25) "Junkyard." A lot, land or structure, or part thereof, used primarily for collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded materials or for collecting, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

(26) "Landscaping." The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

(27) "Local collector." A street which collects traffic from local streets and where adjacent land use is primarily residential in nature.

(28) "Local street." A street designed to provide vehicular access to abutting property and to discourage through traffic.

(29) "Lot." A parcel of land which fronts on and has access to a public (governmentally owned and maintained) street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

(30) "Lot line." The boundary dividing a given lot from a street, alley, or adjacent lots.

(a) "Lot line, front." That property line running with the street right-of-way which gives access to the lot.

(31) "Lot of record." A lot existing prior to this ordinance, the boundaries of which are filed as legal record.

(32) "Major collector." A street which collects traffic from local connections and connects with arterials.

(33) "Medical facilities."

(a) "Convalescent, Rest or Nursing Home." A health care facility where persons are housed and furnished with meals and continuing nursing care for compensation.

(b) "Dental Clinic or Medical Clinic." A facility for the examination and treatment of ill and afflicted human out-patients
provided, however, that patients are not kept overnight except under emergency conditions.

(c) "Hospital." An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

(d) "Public health center." A facility utilized by a health unit for the provision of public health services.

(34) "Mobile home." A detached residential dwelling unit built on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and which meets all standards of the Southern Standard Building Code.

(35) "Mobile home park." A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under the planned unit development regulations.

(36) "Modular building." See Building, Modular.

(37) "Nonconforming use." Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

(38) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or physiological well-being of individuals.

(39) "Personal services." Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as beauty and barber shops, shoe repair, tailor and seamstress, and weight control and exercise salons.

(40) "Planned unit development." An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.

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

(42) "Professional office." The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.

(43) "Retail trade and services." Establishments engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.
"Satellite dish antenna." An earth station antenna, parabolic or spherical design, for the reception or transmission for the satellite or terrestrial communication services.

"Shopping center." For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be considered as planned unit developments.

"Street, public." Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

"Structure." Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, excluding signs and fences.

"Townhouse." A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

"Travel trailer." Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed, for short-term occupancy for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

"Travel trailer parks." Any plot of land approved as a planned unit development upon which two or more travel trailers are located and used as temporary living or sleeping quarters for periods of thirty days, or less.

"Wholesale trade." Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"Yard." An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance (See Appendix A, Illustration A).

(a) "Yard, front." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building including covered porches. For the purposes of determining the front yard, the primary facade of the building upon a right-of-way in which the building address is assigned shall be utilized.

(b) "Yard, rear." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

(c) "Yard, side." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the
nearest part of the principal building, including covered porches. (Ord.
#554, July 2009, and Ord. #578, April 2011)
CHAPTER 3

GENERAL PROVISIONS

SECTION
14-301. Continuance of nonconforming uses and structures.
14-303. Off-street loading and unloading space.
14-304. Off-street parking lot design requirements.
14-305. Ingress and egress.
14-306. Access control.
14-308. Planned Unit Development (PUD) regulations.
14-309. Signs.
14-310. Site plan regulations for multi-family residential, commercial, public, and semi-public uses.
14-311. Site plan regulations for industrial uses.
14-312. Temporary, mobile, factory-built, or factory assembled structures.
14-313. Customary home occupations.
14-314. Gasoline service stations.
14-315. Floodplain hazard management regulations.
14-316. Commercial truck stops.
14-317. Day cares.

14-301. Continuance of nonconforming uses and structures. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendments thereto, shall be allowed to remain subject to the following provisions:

(1) No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.

(2) When the following conditions have existed for a period of six (6) months, it shall be evidence of an intent to abandon a nonconforming use; and no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.

(a) Nonresidential uses. No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the
nonconforming use, and, no serious attempts are being made to market
the property for sale for its former use.

(b) Residential uses. No residents, whether they be owners or
tenants, are present, and no serious attempts are being made to market
the property for sale for its former use.

(3) Any nonconforming building which has been damaged by fire or
other causes, may be reconstructed and used as before unless the building
official determines that the building is damaged to the extent of more than fifty
(50) percent of its appraised value for tax purposes in which case any repair or
reconstruction shall be in conformity with the provisions of this ordinance.

(4) Nonconforming mobile homes located on single lots may be
replaced with newer and/or more structurally sound mobile homes for protection
of the health, welfare, and safety of the mobile home resident and surrounding
property owners. (Ord. No. 317, sec. 2)

14-302. Off-street automobile parking. (1) With the exception of uses
within the B-1, Central Business District, the number of parking spaces
provided shall meet the minimum requirements for the specific uses as set forth
below. For uses not specifically mentioned herein, off-street parking
requirements shall be determined by the Board of Zoning Appeals. Each space
shall conform to off-street parking lot design requirements as established in
section 14-304.

(a) Automobile repair shop and/or truck repair: One (1) space
for each employee plus one (1) space for each two hundred and fifty (250)
square feet of floor space used for repair work.

(b) Bed and breakfast/tourist homes: One (1) space for each
room to be rented in addition to the two (2) spaces for the home.

(c) Boarding houses and rooming houses: Not less than one (1)
space for each room to be rented.

(d) Bowling alley: Not less than five (5) spaces for each bowling
lane.

(e) Churches: One (1) space for each four (4) seats.

(f) Clubs and lodges: One (1) space for each three hundred
(300) square feet of floor space.

(g) Dwelling, single-family: Not less than two (2) spaces per
dwelling unit.

(h) Dwelling, multiple-family: Not less than two (2) spaces per
dwelling unit.

(i) Funeral parlors: One (1) space for each four (4) seats in the
chapel.

(j) Gasoline service stations and similar establishments: Four
(4) spaces for each bay or similar facility plus one (1) space for each
employee.
(k) **Hospitals and convalescent/nursing homes**: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.

(l) **Hotels, motels, and other tourist accommodations**: Not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.

(m) **Manufacturing or other industrial use**: Not less than one (1) space for each three (3) persons employed or intended to be employed, with a minimum of five (5) spaces for any establishment.

(n) **Mini-warehouse/self storage**: One (1) space per storage room rented out.

(o) **Mobile home parks**: Two (2) spaces for each mobile home.

(p) **Movie cinema**: Not less than one (1) space for each four (4) seats.

(q) **Offices**:
   (i) **Medical** - one (1) space for each three hundred (300) square feet of floor space.
   (ii) **Other professional** - one (1) space for each four hundred (400) square feet of floor space.
   (iii) **General** - one (1) space for each four hundred (400) square feet of floor space.

(r) **Places of public assembly**: One space for each five (5) seats in the principal assembly room or area.

(s) **Restaurants**: One (1) space per two (2) customers computed on a maximum seating capacity. Restaurants that also serve take-out orders shall provide six (6) additional spaces. Drive-thru restaurants with no indoor seating shall provide fourteen (14) spaces per 1,000 gross square feet of restaurant area.

(t) **Retail business, shopping centers and similar uses**: Four (4) spaces for each one thousand (1,000) square feet of gross leasable area.

(u) **Schools**: One (1) space for each faculty member and five (5) additional spaces for visitor parking, plus one space for each four (4) pupils except in elementary and junior high schools.

(v) **Wholesale business**: One (1) space for each three (3) employees based on maximum employment.

(2) **Combination of required parking space**. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use; except that, the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sunday.

(3) **Remote parking space**. If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the Board of Zoning Appeals may permit such space to be provided on
other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, provided that such land is in the same ownership as the principal use, provided it is not on the opposite side of a major street or stream, provided a sidewalk is constructed connecting the two parcels if none exists; and provided that such remote parking spaces are located within a zoning district which permits the same or similar uses to that of the use for which the parking is intended. Such land shall be used for no other purpose so long as no other adequate provision for parking space, meeting the requirements herein specified, has been made for the principal use. (Ord. No. 317, sec. 2)

14-303. **Off-street loading and unloading space.** With the exception of uses within the B-1, Central Business District, every building or structure hereafter constructed and used for industry, wholesale, business, or trade shall provide space for the loading and unloading of vehicles off the public street or alley. Each space shall measure at a minimum of 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile storage. (Ord. No. 317, sec. 2)

14-304. **Off-street parking lot design requirements.** To protect and enhance community appearance and to provide orderly, safe, and systematic circulation within parking areas, the following regulations shall apply:

1. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street or alley to obtain egress.
2. All parking lots shall be set back a minimum of five (5) feet from all public right-of-ways.
3. Each parking space shall be a minimum of nine (9) feet by nineteen (19) feet with minimum parking aisle and width dimensions shown as follows:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Length</th>
<th>Stall Width</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 deg.</td>
<td>19.0</td>
<td>9.0</td>
<td>12.0</td>
</tr>
<tr>
<td>45 deg.</td>
<td>19.0</td>
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<tr>
<td>60 deg.</td>
<td>19.0</td>
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<td>18.0</td>
</tr>
<tr>
<td>70 deg.</td>
<td>19.0</td>
<td>9.0</td>
<td>24.0</td>
</tr>
<tr>
<td>90 deg.</td>
<td>19.0</td>
<td>9.0</td>
<td>24.0</td>
</tr>
</tbody>
</table>

4. Handicapped parking shall be provided as regulated in the **Southern Standard Building Code**. Each establishment shall have a minimum of one handicapped parking space and be a minimum of twelve (12) feet and six (6) inches by nineteen (19) feet.
(5) All parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.

(6) Entrances and exits for all off-street parking lots shall comply with the requirements of section 14-306 of this ordinance.

(7) The parking lot shall be adequately drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.

(8) With the exception of single-family dwellings, all required off-street parking shall be paved with a minimum of asphaltic concrete and have an adequate base to prevent premature break-up.

(9) All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be landscaped with grass, shrubs, trees, or other appropriate plant material which shall not obstruct visibility from vehicles.

(10) Traffic safety signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.

(11) Parking rows and interior dividers shall be terminated with terminal islands not less than five (5) feet in width, constructed with raised curbs, and landscaped with appropriate cover.

(12) Landscaping shall be required as established in section 14-310(2) or 14-311(2)(d).

(13) Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The building official or his designated representative shall regularly inspect parking lots required to meet these regulations. The building official or his representative shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas. (Ord. No. 317, sec. 2)

14-305. Ingress and egress. A plan for adequate and safe ingress and egress for all land uses shall be required. (Ord. No. 317, sec. 2)

14-306. Access control. It is the purpose of this section to establish reasonable and impartial regulations for the location of driveway entrances, and to promote the safety of users of the streets and lands of Clinton through the control of design, location, and construction of driveway entrances.
(1) **General provisions.** In no case shall any curbs on city streets or rights-of-way be cut or altered without first obtaining a driveway permit from the building official. Minimum paving requirements for such driveways shall be determined by the building official at the time of application. In all cases, the driveway extension over the right-of-way shall be paved to protect public streets.

(2) **Driveway alignment.** Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway. The driveway angle may be between 45 degrees (min.) and 60 degrees (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.

(3) **Driveway entrance regulations.** All driveway entrances shall be located subject to the following controls:

   (a) On all streets classified as Arterial on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within one hundred (100) feet of an intersecting street right-of-way line.

   (b) On all streets classified as Major Collector Streets and Local Collector Streets on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within sixty (60) feet of an intersecting street right-of-way line.

   (c) On all streets classified as Local Streets on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within twenty-five (25) feet of an intersecting street right-of-way line.

   (d) On all streets classified as Arterial on the official Major Road Plan, no driveway entrances shall be constructed within forty (40) feet of the side property line.

   (e) On all streets classified as Major Collector Streets and Local Collector Streets, on the official Major Road Plan, no driveway entrances shall be constructed within twenty (20) feet of the side property line.

   (f) If neighboring property owners wish to share a driveway, the shared side property line setback requirements shall be waived. If a driveway is shared, this one driveway will count as two, or as one driveway per lot and all other access control requirements shall be met.

   (g) If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.

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1 Municipal code reference

(4) Number of driveway entrances allowed. In order to promote the safety of the motorist and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

(a) Lots with less than one hundred fifty (150) feet frontage may have one (1) driveway entrance.
(b) Lots with one hundred fifty (150) feet to eight hundred (800) feet of frontage may have two (2) driveway entrances.
(c) Lots with over eight hundred (800) feet frontage may have one (1) additional driveway entrance for each additional four hundred (400) feet.

(5) Driveway entrance widths. The width of all curb cuts shall be within the following limits.

(a) Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.
(b) Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.
(c) All other uses shall be limited to driveway widths between fifteen (15) and thirty (30) feet. (Ord. No. 317, sec. 2, as amended by Ord. #330, Oct. 1991)

14-307. Vision clearance. In all districts there shall be no plants or structures placed in or on any yard partition of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets. (Ord. No. 317, sec. 2)

14-308. Planned Unit Development (PUD) regulations. The purpose of the Planned Unit Development regulations is to provide for diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses, or as permitted, combinations of such uses, to allow application of new techniques and technology of site and building design and location; this for the purpose of achieving economies in land usage, maintenance, and street and utility systems while providing for attractive open areas, safe circulation, and general well-being of the inhabitants.

(1) Applicability of PUD regulations. A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, public, semipublic, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, multi-use parks, travel trailer parks, and multi-use or ownership developments shall be considered as PUD's for the purpose of this ordinance.
(2) Relationships of PUD regulations to district and site plan regulations. Unless specifically altered by any provision of this section, the use and development regulations of sections 14-601 through 14-611, sections 14-310 and 14-311, or any other applicable provision of this ordinance shall apply to the development of a PUD.

(3) General requirements. All PUD developments shall comply with the following requirements.

(a) Minimum site. No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.

(b) Structures and open space. The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.

(i) Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.

(ii) No freestanding building shall be located closer than twenty (20) feet to any other freestanding building.

(iii) Minimum setback, and lot width setback requirements for lots as established in chapters 6 and 7 may be altered upon approval of the planning commission; except that, in no case shall the setback from any exterior project site side or rear property line be less than twenty-five (25) feet.

(iv) Landscaping/buffering requirements, as contained in sections 14-310 and 14-311 and chapter 6, shall be applied to PUD developments; except that, the planning commission may require additional landscape materials or structures where it is deemed to be in the public interest to do so.

(4) Open space requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods, and shall be established in an appropriate legal manner.

(a) Dedication to and acceptance by the public as part of a governmentally administered park and open space system.

(b) A property owners association.

(c) The developer or management authority of the PUD.

(5) Parking and access control requirements. The provisions of this ordinance relating to vehicular access and parking (sections 14-302 through 307) shall be adhered to; except that, the planning commission may alter these requirements in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this ordinance.
(6) Density requirements for residential PUD. The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located. The open spaces around public structures, such as schools and churches may be included in the gross acreage of the site for the purpose of calculating the number of residential units that are allowed within a PUD.

(7) Signs. The number, size, type, and placement of signs within PUD's shall be governed by the applicable provisions of Section 14-309 of this ordinance.

(8) Street and utility construction standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Clinton Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the construction standards set out in the subdivision regulations. Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments from widths of streets, ways, utility easements, curbing, and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.

(9) Plan preparation and review process. (a) PUDs requiring the subdivision of property. In PUDs in which property is divided for the purpose of sale or rental, such as a subdivision or mobile home park, the following requirements for PUD plan preparation shall apply:

(i) Preliminary PUD Plan. Prior to submitting a preliminary subdivision plat for review, a preliminary PUD plan shall be submitted to the planning commission which shall include the following: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan and preliminary subdivision plat are based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.

(ii) Final PUD plan/preliminary subdivision plat. In addition to meeting the applicable provisions of the subdivision regulations regarding preparation of a preliminary plat, the final PUD plan shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet,
minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan and the preliminary subdivision plat by the planning commission, development may commence with the installation of public improvements. No lots, however, shall be sold until final subdivision plat approval has been granted by the planning commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.

(b) **PUDs not requiring the subdivision of property.** In PUDs in which no individual parcel of property is owned or rented, such as condominium, apartment, commercial, or industrial PUDs, and similar uses, the following requirements for PUD plan preparation apply:

   (i) **Preliminary PUD Plan.** A concept plan containing the following information shall be submitted to the planning commission for review: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan is based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.

   (ii) **Final PUD Plan.** Following approval of a preliminary PUD plan, the developer may proceed to prepare a final PUD plan which shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan, a special conditions permit may be issued.

(10) **Staging of development.** The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the preliminary PUD development plan. However, each stage
given final PUD approval must be substantially complete within itself. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially.

(11) **Permits.** The developer of a PUD shall be entitled to receive appropriate development permits following approval of the final PUD plan and the preliminary subdivision plat, where applicable. However, none of these permits shall be issued until the building official receives a PUD plan which bears the signed certificates of approval and of application and agreement (See Appendix C for examples).

(12) **Changes and modifications.** A PUD project may be changed or modified under conditions established for minor changes and major changes.

(a) **Minor changes.** The planning commission may approve changes in minor shifts of building locations, proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.

(b) **Major changes.** All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan. (Ord. No. 317, sec. 2, as amended by Ord. #364, § 1, Aug. 1995; and further amended by Ord. #385, § 1, Feb. 1998)

14-309. **Signs.** (1) It is the purpose and intent of this ordinance to:

(a) Establish reasonable, impartial, and content neutral regulations for the location, design, and installation of signs within the zoning districts of the City of Clinton.

(b) Achieve a safe and more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces, and a reduction on congestion and hazardous conditions within the city.

(c) Balance the rights of persons to convey their message through signs, and the right of the public to be protected against the unrestricted proliferation of signs.

(d) Ensure the fair and consistent enforcement of sign regulations.

(e) Provide a means for review through the board of zoning appeals.

(f) Protect the public health, safety, and welfare of our citizens and visitors.
(g) Promote all applicable City of Clinton codes and ordinances.

(2) Definitions. (a) "Abandoned or obsolete sign." A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed or any sign structure lacking sign face or sign copy.

(b) "Advertising sign." Sign that have as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

(c) "Animated (moving) sign." Any sign or permanent structure depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing or electric message center signs, the animated signs emphasize graphics and artistic display. Variable display signs and electric message center signs are not animated signs under this ordinance.

(d) "Awning, canopy or marquee sign." A sign painted, stamped, perforated or stitched, or otherwise applied on the valance of an awning or canopy (this includes covered walkways).

(e) "Banner sign." A sign usually of cloth, paper, plastic or other non-rigid material with no enclosing framework that is fastened or otherwise attached to support structures spanning horizontally and overhanging an area and generally temporary in nature.

(f) "Billboard sign." A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This includes electronic and dynamic signs with advertisements other than the on-premise business. These signs shall be considered off-premise signs and are prohibited.

(g) "Building frontage." The maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right-of-way. In the case of a building where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage. In cases where two or more different tenants occupy the ground floor of a building, the portion of the building frontage occupied by each tenant will be the tenant's separate and distinct building frontage. Corner and through lots shall be considered to have a separate and distinct building frontage on each street. In cases where multiple buildings on the same lot are occupied by a single occupant, the building frontage of all buildings may be combined into a single frontage for the purposes of calculating allowable signage.

(h) "Business sign." A sign which directs attention to a business or profession conducted, or a commodity or service, sold, offered, or
manufactured, or to an entertainment on the premises upon which the sign is located, or to which it is affixed.

(i) "Campaign sign." See Free speech and expression sign.

(j) "Changeable copy sign (reader board)." A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters.

(k) "Community bulletin board sign." A publicly owned sign whose contents shall be in the nature of a directory listing several religious, educational, charitable, philanthropic, civic or professional organizations.

(l) "Community identification sign." A publicly-owned sign that states the logo, trademark, or other identifying symbol, address, or combination of the name, symbol, and address, which communicates the identity of the city.

(m) "Construction sign." A sign erected during the construction of a building or other type of improvement, customarily listing the name of the owner, architect, engineer, designer, and/or contractors involved in the construction of said building or improvement.

(n) "Dilapidated sign." A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

(o) "Directional sign." An incidental on-premise sign giving directions, instructions, or facility information, such as parking, loading, entrance, or exit.

(p) "Directory sign." A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site direction.

(q) "Dynamic sign." A non-static sign employing actual motion or the illusion of motion by artificial means. Dynamic signs constitute a broad category of which are differentiated from manually changeable signs as defined and regulated by these regulations and include the following types:

(i) "Electronic display screen." A sign, or portion of a sign, that displays an electronic image, which may or may not include text. This definition includes television screens, multiprism screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

(ii) "Electronic message center." Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes electronic changeable copy signs and menu boards.
(iii) "Electronic message display." A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operations:

(A) Static. Signs which include no animation or effects simulating animation.

(B) Fade. Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(C) Dissolve. Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

(D) Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

(E) Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

(r) "Exempt sign." Any sign which is exempt from the permit requirements established herein. (See section (5))

(s) "Fascia sign." A sign attached directly to the fascia of a building.

(t) "Fence sign." A sign that is fastened to or painted on a fence in such a manner that the fence becomes the supporting structure for, or forms the background surface of the sign.

(u) "Flag." Any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a government, commercial or non-commercial entity.

(i) Commercial flag sign means any flag, which displays a commercial name, message, logo or symbol.

(ii) Decorative flag means any flag which displays any holiday, season, design, or the like which does not include any commercial name, message, logo or symbol.

(iii) Non-commercial/governmental/civic flag means any flag displaying a name, message, logo or symbol of any recognized governmental, religious, civic or non-profit agency.

(v) "Flag pole." A permanently mounted pole used solely for the purpose of displaying flags.
(w) "Flashing sign." A sign, the illumination of which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink. Such signs are prohibited.

(x) "Freestanding (ground) sign." Any non-movable sign not affixed to a building, including ground, podium, pylon, pole, tower or similar signs.

(y) "Front face." The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front facade. If a structure located on a corner parcel contains more than one (1) primary entrance on more than one (1) side, the longer side with a primary entrance shall be considered the front facade.

(z) "Garage or yard sale sign." A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives direction for locating a garage sale or yard sale.

(aa) "Ground sign." Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

(bb) "Height of sign." The vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as a part of the sign height.

Note: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public/private street, normal grade shall be construed as the grade of the adjacent public/private street.

(cc) "Holidays." For display and advertising purposes holidays recognized by the city include New Year's Day, Martin Luther King Day, President's Day, Easter, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas.

(dd) "Identification sign." A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located and which sets forth no other advertisement.

(ee) "Illegal sign." Any of the following:

(i) Signs erected without first obtaining a permit and/or complying with all regulations in effect at the time of its construction or use.
(ii) Non-conforming signs whose use have ceased because the business it identifies is no longer conducted on the premises.

(iii) Non-conforming signs for which the amortization period has expired.

(iv) Signs that were legally erected but which later became nonconforming and then were damaged to the extent of fifty percent (50%) or more of their current replacement value.

(v) Signs that are a danger to the public or are unsafe.

(vi) Signs that pertain to a specific event that have not been removed within seven (7) days after the occurrence of the event.

(vii) Signs erected on public property, rights-of-way, or utility poles.

(viii) Signs expressly prohibited by this ordinance.

(ff) "Illuminated sign." A sign that has an artificial light source incorporated internally or externally illuminated by electric or other devices for night visibility.

(gg) "Inflatable sign." Any temporary sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, included but not limited to a pressure greater than atmospheric pressure.

(hh) "Instructional (informative) sign." Any on-premise sign containing no other message, copy, announcement, or decoration other than instruction or direction to the general public. Such signs include but are not limited to the following: identifying rest rooms, public telephones, walkways, entrance and exit drives, freight entrances and traffic direction.

(ii) "Internal illumination." A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible.

(jj) "Leading edge." The first vertical edge of a sign as measured in a straight line from the nearest street right-of-way or property line, or as determined by the building official.

(kk) "Major directory sign." A freestanding sign for multiple businesses within shopping centers.

(ll) "Mansard sign." A sign attached to a roof-like facade architecturally comparable to a building wall. For the purpose of these regulations the area of the mansard shall be determined by multiplying the width and the total vertical height, ignoring any slope.

(mm) "Marquee sign." A sign that advertises from a roofed structure projecting from and supported by a building, or free-standing when such roofed structure extends beyond the building line, building wall or street lot line.
(nn) "Menu board." A permanently mounted dynamic sign displaying the bill of fare sign associated with drive-through windows and oriented toward drive-through traffic.

(oo) "Menu board (non dynamic)." A non-dynamic sign displaying the bill of fare associated with drive-through windows and oriented toward drive-through traffic.

(pp) "Monument sign." A freestanding sign constructed on the ground with a continuous solid foundation of brick, stucco, stonework, textured wood, textured concrete or other suitable material located at the base of the sign at grade level.

(qq) "Mobile or portable sign." A sign which is designed to be readily transportable from place to place, not permanently attached to a footer or masonry foundation, or any such sign, which generally meets this criteria, as shall be determined by the building official to be a mobile or portable sign.

(rr) "Multi-occupancy facility." A development including, but not limited to, shopping centers and office complexes, consisting of two (2) or more separate establishments sharing a common or connected building, and common or connected parking areas, or common pedestrian access and common or connected parking areas.

(ss) "Neon sign." An illuminated sign containing a glass tube filled with neon or phosphors which is bent to form letters, symbols or other shapes.

(tt) "Non-conforming sign." A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance. See section (7).

(uu) "Obsolete sign." Any sign which identifies or advertises any product, accommodation, service, or business which is no longer available to the public at the location indicated on the sign.

(vv) "Off-premise sign." A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located (this shall include electronic and digital signage).

(ww) "Official sign." A sign whose content denotes an official program authorized or recognized by the city manager or his/her designee to meet a public objective. Such signs shall include, but not be limited to, public notices, neighborhood watch programs, traffic control devices, etc.

(xx) "On-premise sign." A sign other than an off-premise sign.

(yy) "Painted wall sign." Any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

(zz) "Pennants, festoons, streamers, and balloons." Any temporary sign of cloth, paper, fabric or other flexible material that is mounted to allow movement caused by wind that is intended to attract the attention of the general public to a location or business. Festoons shall include, but are not limited to, a string of ribbons, tinsel, fringe; or pinwheels. Flags are not included under this ordinance.
(aaa) "Permanently affixed." Shall mean permanently attached with adhesive, bolts, nails, approved concrete footings, not intended to be easily removed. The building official shall make the final determination of if a sign is permanently affixed.

(bbb) "Plate line." The point at which any part of the roof structure first touches or bears upon an external wall.

(ccc) "Pole sign." A sign that is mounted on a freestanding support so that the bottom edge of the sign face is ten (10) feet or more above grade.

(ddd) "Political sign." A temporary sign designed to attract support for a particular candidate, political party, or political issue or to express an opinion on any matter of public interest.

(eee) "Portable sign." Shall mean any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. This includes attached or painted advertisements on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business (all temporary signs are also considered portable).

(fff) "Premises." A lot of record as defined by the Clinton Municipal Code.

(ggg) "Projecting sign." A sign that is wholly or partly dependent upon a building for support and which projects more than one foot (1') from such building.

(hhh) "Pylon sign." A freestanding sign permanently affixed to the ground by one (1) or more supports that has a width of two feet (2') or a height at least three (3) times the width.

(iii) "Real estate sign." A sign advertising the sale, auction, rent or lease of the premises on which it is located.

(jjj) "Roof sign." Any sign erected or maintained upon or attached to a roof or building.

(kkk) "Sandwich board." Any sign designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(lll) "Sign." Outdoor graphics conveying or intended to convey some information, knowledge or idea to the public. The word "sign" includes the word "billboard" or any other type of advertising device. For the purposes of installation and removal, sign shall also include all sign structures. This definition shall not include festival or holiday decorations; the noncommercial use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devises; legal notices; scoreboards; memorial signs or tablets; emblems of religious institutions that are attached to buildings; and customary displays of merchandise or objects and materials placed behind a store window.
(mmm) "Sign administrator." The city manager or his/her designee assigned to oversee the enforcement and interpretation of this sign ordinance.

(nnn) "Sign structure." Any structure, vehicle, trailer or any other object or device that supports, has supported, or is capable of supporting a sign.

(ooo) "Snipe sign." Any sign that is tacked, nailed, posted, pasted, glued, or otherwise affixed to trees, utility poles, stakes, fences or other objects, where the message appearing thereon is not applicable to the present use of the premises upon which the sign is located.

(ppp) "Supergraphics." Any mosaic, mural, painting or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message. Supergraphics are exempt.

(qqq) "Surface display area." The entire area within a continuous perimeter enclosing the extreme limits of the sign display which includes the writing, representation, emblem or any figure or similar character, together with any flame or other material or color forming an integral part of the display or used to differentiate this design from the background against which it is placed, excluding the necessary supporting framework or bracing that is clearly incidental to the display itself. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty four (24) inches apart. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

(rrr) "Suspending sign." A sign that is attached to the underside of a horizontal place or arm and is supported by the horizontal plane.

(sss) "Temporary sign." Any sign which by reason of construction or purpose intended to be displayed for a short period of time.

(ttt) "Type." See Ground sign, Pole sign, Projecting sign, Wall sign.

(uuu) "Under-awning sign." A sign located under a permitted awning or canopy at the entrance to the premises. Such sign shall only identify the name of the business or premises and shall be perpendicular to the entrance wall of the building.

(vvv) "Vehicle or trailer sign." A permanent or temporary sign affixed, painted on, or placed in or on any vehicle, trailer, or other device capable of being driven or towed, which is displayed in public view so that the primary purpose is to attract the attention of the public, rather than
to serve the business of the owner thereof in a manner which is customary for said vehicle or trailer.

(www) "Video animated sign." Advertising sign consisting of a high resolution, high frames-per-second motion picture display.

(xxx) "Wall sign." A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one foot (1') from such building or structure (This includes signs attached to windows). For the purpose of these regulations a wall shall be considered as the first perpendicular surface originating from ground level. An individual sign may fall under more than one of the above definitions, e.g., illuminated free-standing on-premise sign, temporary off-premise sign, etc.

(yyy) "Window sign." An outside sign attached to a window, either temporary or permanent, for the purpose of advertisement

(3) General provisions. (a) Plans required. The building official shall be provided with plans and specifications identifying the proposed sign requiring a permit under the provisions of this section. Applicants shall submit:

(i) Their name, address, telephone number, and if different, the property owner's name, address, and telephone number.

(ii) A scaled diagram and elevation view from ground level of the proposed sign with dimensions and estimated cost.

(iii) A scaled drawing of the property showing where the sign is proposed; including, gross acreage, a closed boundary survey of the property, the location of existing streets, driveways, and parking spaces, existing structures and their dimensions, buried and overhead utilities, public and private easements, and any existing signs.

(iv) The name, address, and phone number of the sign contractor.

(b) Height. Signs in residential zones may not exceed six (6) feet in height. Minimum and maximum sign heights for business and industrial zones are shown on Table 5.d. Signs placed above a walkway shall have a minimum ground clearance of ten (10) feet. Signs placed above a driveway or parking area shall have a minimum ground clearance of fifteen (15) feet. (See Table 5.d.)

(c) Setback. No part of any sign shall be placed closer than five (5) feet to a vertical projection of any public right-of-way or adjoining property line; except that, directional signs of no more than three (3) square feet may be located at the edge of the right-of-way to designate entrances and exits, provided such signs are less than three (3) feet taller
than the driveway grade, and do not obstruct the visibility of motorists and pedestrians.

(d) Number of permanent signs. No business or industry shall have more than two (2) signs, but not two (2) signs of the same type; except that on parcels which extend between parallel streets or on corner lots, businesses may have three (3) signs, two (2) of which may be of the same type, provided they do not front on the same street. Directional signs are not included in the total number of signs allowed.

(e) Maximum area of signs. Signs in residential areas shall not exceed a total area of sixteen (16) square feet per parcel. (e.g. one 4'x 4' sign or four 2'x 2' signs) maximum sign sizes in business and industrial zones are shown in Table 5.d.

(f) Signs erected on street rights-of-way and utility poles. Signs placed on public property, street rights-of-way, and utility poles are prohibited by 14-309(4)(g), as illegal signs, and have the immediate potential to create hazards to motorists by obstructing visibility and cause obstructions to utility and street maintenance workers. Illegal signs found on public property, rights-of-way, and utility poles shall be removed without notice and stored for a period of ten (10) days. City employees shall not be responsible for unpreventable damage to illegal signs while removing them from public property. Such removal of signs shall not preclude prosecution of violators. Persons wishing to claim their signs may contact the building official or his designee within this ten (10) day period, and pay a $20.00 per sign administrative recovery fee.

(g) Sign maintenance. All signs shall be maintained in good condition with the proper cleaning, painting, and landscaping, and shall be properly secured and anchored. Dilapidated or neglected signs include those with rust or holes in the sign or structure, broken, missing, bent, or loose parts, faded or flaking paint, non-operative or partially non-operative illumination, or missing words or letters. Owners of dilapidated or obsolete signs shall receive ten (10) days written notice to correct any deficiencies, and should the owner refuse or fail to make the necessary corrections, the building official shall have the sign removed at the owner's expense.

(h) Commercial flags. Commercial flags are allowed in my non-residential zoning district. One (1) flag will be allowed for each 0.25 acre of land area. In shopping centers and PUDs, each individual business shall be allowed one (1) flag per twenty-five (25) feet of linear store frontage. No commercial flag shall be larger than three (3) feet by five (5) feet. When a flag is in a state of disrepair (i.e. torn, tattered, or faded), the building official can require replacement of such a flag no sooner than six (6) months after it has initially been flown. The flag poles, the location of the flag poles, and number of flags per parcel must receive written
authorization from the building official. No commercial flag shall violate the provision of § 14-309(3)(c).

   (i) **Illumination standards for electronic message center signs.** In the interest of preserving the nature of residential areas, these standards are established. Between the hours of 11 P.M. and 6 A.M., illumination of electronic message center signs shall be reduced by 30% of normal daytime operation when the sign is located in or adjacent to a residential district.

(4) **Prohibited signs.** (a) Signs which include action or motion, from either a mechanical or wind source; moving materials, commercial flags, spinners, pinwheels, reflectors, streamers, fringe, pennants, festoons, balloons, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted, pulsing or scrolling; or interfere with the view of traffic; or could be confused with or obstruct any authorized traffic control sign, signal, or device; with the exception of signs that display time and temperature, holidays, special events, and public service announcements only, with or without animation.

   (b) Off-premise signs, or any sign that advertises an activity, business, product, or service not conducted on the premises upon which the sign is actually located, including but not limited to billboards; except those signs allowed in § 14-309(5)(a) and (b).

   (c) Portable signs, except as permitted under § 14-309(5)(e), bench signs, A-frame signs, and sidewalk signs.

   (d) Signs (including temporary signs and banners) which are not securely affixed to the ground and/or mounted in a frame and/or attached to a rigid backing, that prevents sagging and wind movements.

   (e) Roof signs.

   (f) Signs in any residential district that are internally illuminated.

   (g) Signs on rights-of-way and public property, including utility poles, except official signs erected by an authorized public entity.

   (h) Signs that display or advertise pornographic, obscene, or illegal information or activities. Signs promoting legalization of existing crimes are not prohibited by this section.

   (i) Signs mounted on, affixed to, or painted on vehicles that are parked on public or private property solely for the purpose of displaying the sign or advertising, but not including vehicles marked for and driven during the normal course of business.

   (j) Signs placed on private property without the permission of the property owner.

   (k) Signs that emit sound.

   (l) Snipe signs.

   (m) All signs which are not expressly permitted by this ordinance or any other ordinance of the city.
(5) **Signs permitted in all zoning districts.** The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. Such signs do not require a permit.

(a) **Political signs.** Signs of a maximum total area of sixteen (16) square feet per parcel that express a social or political position or viewpoint, or show support for a political cause or candidate. More than one (1) political sign is allowed on a parcel, provided the total square footage per parcel is not exceeded. Any such sign that relates to an election or other specific event shall be removed within seven (7) days after the completion of said election or event. The owner of the property on which the sign is located shall be responsible for its removal.

(b) **Temporary special event signs.** Temporary signs up to a total area of sixteen (16) square feet per parcel in residential zones and thirty-two (32) square feet per parcel in commercial and industrial zones, announcing a special event (yard sale, social event or activity, etc.) and containing no commercial advertisement may be erected on private property no more than fourteen (14) days prior to the event, but in no event shall such signs remain more than thirty (30) days. All special event signs shall be removed by the property owner within five (5) days of the conclusion of the event.

(c) **Directional signs.** Signs internal to parking areas that direct vehicular or pedestrian traffic but bear no advertising, and shall be no larger than three (3) square feet each.

(d) **Construction site signs.** One sign noting construction information and trades shall be permitted for each site. The maximum size shall be sixteen (16) square feet per parcel in residential zones and thirty-two (32) square feet per parcel in commercial and industrial zones. The sign shall be allowed only until the project is complete and shall be removed prior to the issuance of a certificate of occupancy.

(e) **Residential name/address signs.** For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to two (2) square feet in area, is permitted.

(f) **Real estate signs.** Signs advertising real estate sales, rentals, leases, auctions, etc., conforming to the specifications shown in Table 5.d., may temporarily be erected on the property being advertised.

(g) Signs erected on private property that prohibit trespassing, hunting, or fishing.

(h) Signs or banners temporarily displayed at sporting or recreational functions at city owned facilities.

(i) **Temporary advertising signs.** Temporary advertising signs (excluding changeable copy signs) totaling a maximum sign area of thirty-two (32) square feet except for forty-eight (48) square feet for businesses with over 2 acres of property may be erected on commercially zoned
property where the advertised activity, business, product or service is conducted. No temporary advertising sign violate the provision of § 14-309(3)(c) or 14-309(4)(a).

(j) Shopping centers, office parks, non-residential planned unit developments and multi-use buildings.

(i) Shopping centers shall be allowed one (1) on-premise freestanding major directory sign not to exceed two hundred (200) square feet. The major directory sign shall advertise all occupants within the shopping center and/or afford spacing on such sign for potential full occupancy of the center.

(ii) The major directory sign may not be used to advertise for only one (1) occupant regardless of any agreement between occupying owners.

(iii) In addition to the permissible major directory sign, each individual business shall be allowed one (1) wall or roof sign not to exceed fifteen percent (15%) of the total square footage of the front facade of the business.

(iv) In addition to the landscaping requirements of § 11-313, there shall be a minimal landscaped area around the base of the major directory sign of at least ten percent (10%) of the total square footage of the sign or a minimum of fifty (50) square feet in area.

(v) Office parks shall be required to submit a common signage plan for the entire development. Such plan shall include a minimum, overall layout of the office park with sign and building locations, parking, existing streets, sign sizes and allocation of signs for multiple tenants. Such plan may be superimposed onto a site plan for convenience. Multiple directory signs may be permitted upon approval of the common signage plan.

(vi) Multi-use buildings shall be allowed one (1) freestanding ground sign not to exceed the district standards that the building is located in. In addition to the permissible freestanding signs, each business establishment shall be allowed one (1) wall or one (1) roof sign for on-premise advertising provided that such sign shall not exceed forty percent (40%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the business establishment, whichever is less. No such sign shall exceed twenty-five feet (25') in height.

(vii) No part of any on-premise freestanding sign shall be closer than five feet (5') from any street right-of-way.

(k) Dynamic signs. Based on technological advances in the sign industry that now employ digital technology, the city seeks to maximize public safety and aesthetics by establishing minimal regulations that oversee dynamic signs. The objective of such regulations is to minimize
driver distraction associated with message duration, message transition, illumination, brightness and special effects and preserve the unique characteristics of Clinton. These regulations are considered the minimal standards necessary to achieve the long range planning policies of the city.

(i) Zoning districts permitted: On-premise dynamic signs, in accordance with all applicable requirements, are permitted as a "use by right" within the B-2 and B-4 Districts and as a special exception within the M-1 and M-2 Districts.

(ii) Dynamic signs shall not constitute the principal on-premise sign, but shall be permitted not to exceed fifty percent (50%) of the total sign area the digital portion is attached to and area devoted to the dynamic portion does not to exceed one hundred (100) square feet.

(iii) There shall be a minimum one hundred feet (100') of separation from individual dynamic signs.

(iv) Dynamic signs shall be oriented away from residential neighborhoods.

(v) The letter size for the advertising on the sign face, measured in inches from top to bottom of individual letters, shall be a minimum of seven inches (7") high.

(vi) Each message displayed on an electronic message center must be static or depicted for a minimum of ten (10) seconds. Transition from one message to another shall be continuous without fade-outs, animation or other type of movement between messages. Animated video or continuous scrolling of messages is prohibited unless otherwise specified.

(vii) Dynamic signs shall be designed and equipped to immediately freeze or discontinue the device in one position if a malfunction occurs.

(viii) No dynamic sign shall be brighter than necessary for clear and adequate visibility or of such intensity that it interferes with the effectiveness of an official traffic control device.

(ix) The owner is responsible for making any adjustments to the brightness of the dynamic sign following notice by the city of non-compliance with these requirements.

(x) Conversions to a dynamic sign for the principal sign shall be considered the same as new signage.

(xi) The addition of any electronic message center to any nonconforming freestanding sign is prohibited.

(6) Signs requiring a permit. (a) Residential districts. (i) For subdivisions, PUDs, (including multi-family developments and mobile home parks) and all non-residential uses, one (1) permanent identification/entrance sign, not to exceed twenty (20)
square feet in area or six (6) feet in height, is permitted. Individual buildings within a PUD may have one (1) identification sign not exceeding nine (9) square feet in area.

(ii) While under development, a subdivision or PUD may have one (1) temporary sign, not exceeding sixteen (16) square feet in area and six (6) feet in height. Such sign is permitted in addition to any permanent identification sign, but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first.

(b) Business districts. (i) The maximum sign area and sign height permitted in business districts shall be as shown in table 5.d.

(ii) For signs fronting upon an arterial within the B-4 Interstate Business District, the maximum area is square footage allowed for wall and projecting signs shall be in accordance with § 14-309.5.b(ii), but the maximum square footage in area allowed for ground signs shall be two hundred (200) square feet or two times the amount of sign area allowed on four lane streets in § 14-309.5.b(ii). Shopping centers, malls, and commercial PUDs shall be limited to one (1) major directory sign, not to exceed one hundred and fifty (150) square feet in area, and each business within the development shall be limited to one (1) wall sign containing no more than one (1) square foot of sign area per linear foot of individual building frontage. Separate businesses on out parcels with public road frontage developed or marketed along with a shopping center, mall, or commercial PUD, may have one (1) ground sign and one (1) wall sign not exceeding the sizes set out in table 5.d. Parking lot directional signs shall not be included when determining the total square footage of sign area.

(iii) No part of any on-premise sign shall be located within fifty (50) feet of any other on-premise sign.

(iv) For properties containing fifty (50) feet of street frontage or less, the maximum size of a ground pole sign shall not exceed fifty (50) square feet in area.

(v) Off-premise signs within any non residential district may be permitted as special exceptions under the following conditions:

(A) For non-residential PUDs on separate lots. Such off-premise sign(s) shall function as a major directory sign at the main entrance of multiple businesses on separate lots within a PUD and meet all requirements of § 14-309(5). These major directory signs shall list existing businesses within the PUD only. Any proposed off-premise major directory sign requires planning commission approval.
prior to a building permit being issued by the building official.
(c) Industrial districts. (i) Maximum sign area permitted for separate establishments on individual lots located outside a PUD, shall be one hundred and fifty (150) square feet per separate industrial use; whether wall or ground signs. See table 5.d.
(ii) In industrial PUDs or buildings housing more than one establishment, each establishment may have one (1) ground sign per establishment not to exceed seventy-five (75) square feet and a wall or other type sign, so long as the total sign area for each establishment does not exceed one hundred and fifty (150) square feet. See table 5.d.
(iii) Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed two hundred (200) square feet.
(d) Sign area and height table. (See attached sheet)
(7) Non-conforming signs. Signs which were legally in existence immediately prior to the adoption of this ordinance, or were characterized as a legal non-conforming sign under a previous ordinance, which do not conform to the provisions of this ordinance, are declared non-conforming signs, except that; signs illegally erected on the public right-of-way after the annexation of their location are excluded as non-conforming signs. Owners of existing non-exempt signs on rights-of-way shall receive written notice immediately after adoption of this ordinance and shall have sixty (60) days to bring their sign(s) into compliance.
(a) General non-conforming sign provisions. Subject to the exceptions hereinafter set forth, nothing shall prohibit the operation, repair, reinforcement or maintenance of a pre-existing non-conforming sign after the effective date of this ordinance, provided that non-conforming signs shall not be:
(i) Changed to or replaced with another non-conforming sign.
(ii) Structurally altered as to extend their useful life.
(iii) Expanded.
(iv) Relocated.
(v) Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.
(vi) Such repair, reinforcement or maintenance shall not in any way increase the degree of non-conformity of such sign. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the sign administrator. Such signs may be improved only to the extent that such improvement does not
exceed fifty percent (50%) of the current market value of the existing sign structure.

(vii) **Discontinuance or abandonment.** Abandonment or obsolescence after one (1) year of a non-conforming sign shall terminate immediately the right to maintain such a sign.

(8) **Administration.** The city manager or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this section. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations.

(9) **Application and permit process.** Unless otherwise provided in the chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit from the building official.

(a) Applicants shall submit a completed sign application and the required fee to the city hall prior to commencing any work on the installation of a new or replacement sign. The required fee is per the schedule that is adopted in the standard building code. Public entities are waived from the fee requirement.

(10) **Enforcement.** Non-compliance with this ordinance shall be deemed a violation. When the sign administrator finds a violation of the provisions of this section, the administrator shall document such findings and take appropriate action to correct said violations. A written notice shall be delivered, and if compliance is not obtained after ten (10) days, a citation to municipal court may be issued to the owner, agent, or employee for violations of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined an amount not to exceed fifty dollars ($50.00) plus court costs. Each day a violation is committed shall constitute a separate offense and shall be punishable as such. (Illegal signs removed from public property or rights-of-way do not require a ten (10) day notice before enforcement action may be taken.)

(11) **Appeals.** The Clinton Board of Zoning Appeals shall have the following authority and responsibilities:

(a) To hear and decide appeals regarding this ordinance where it is alleged by the appellant that there is an error in any order, requirement, permit decision, or refusal made by the sign administrator in carrying out or enforcement of any provision of this section.

(b) To authorize, upon an appeal relating to said property, a variance from strict application so as to relieve difficulties or hardships. Variances shall not be considered or granted to allow any right-of-way encroachment, a larger sign, or a sign which is otherwise not permitted in this section. Variances shall be granted only where by special physical
characteristics of the lot, parcel, or tract exist, that the strict application
of the provisions of this section would deprive the applicant of an
otherwise permitted sign.

CITY OF CLINTON
Zoning Ordinance 14-309

<table>
<thead>
<tr>
<th>Zone</th>
<th>District</th>
<th>Sign Type</th>
<th>Sign Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>B1, B3</td>
<td>Ground</td>
<td>50sq. Ft.</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Commercial</td>
<td>B1, B3</td>
<td>Pole</td>
<td>50sq. Ft.</td>
<td>25 ft.</td>
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<tr>
<td>Commercial</td>
<td>B1, B3</td>
<td>Projecting</td>
<td>25sq. Ft.</td>
<td>min. 10 ft., 15 ft. over traffic, max 20 ft.</td>
</tr>
<tr>
<td>Commercial</td>
<td>B1, B3</td>
<td>Wall</td>
<td>1 s.f for each linear ft. of Building Frontage</td>
<td>below roof</td>
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<tr>
<td>Commercial</td>
<td>B2</td>
<td>Ground - Major Directory for PUD, shopping center, or mall</td>
<td>150 sq. ft.</td>
<td>25 ft.</td>
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<tr>
<td>Commercial</td>
<td>B2</td>
<td>Ground - Individual</td>
<td>100 sq. ft.</td>
<td>25 ft.</td>
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<tr>
<td>Commercial</td>
<td>B2</td>
<td>Pole</td>
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<td>Wall</td>
<td>1 s.f for each linear ft. of Building Frontage</td>
<td>below roof</td>
</tr>
<tr>
<td>Commercial</td>
<td>B4</td>
<td>Ground - Major Directory for PUD, shopping center, or mall</td>
<td>200 sq. ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Commercial</td>
<td>B4</td>
<td>Ground - Individual</td>
<td>100 sq. ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Commercial</td>
<td>B4</td>
<td>Pole</td>
<td>200 sq. ft.</td>
<td>100 ft.</td>
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<tr>
<td>Commercial</td>
<td>B4</td>
<td>Projecting</td>
<td>25 sq. ft.</td>
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<tr>
<td>Commercial</td>
<td>B4</td>
<td>Wall</td>
<td>1 s.f for each linear ft. of Building Frontage</td>
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</tr>
</tbody>
</table>
Change 9, April 28, 2014

<table>
<thead>
<tr>
<th>Zone</th>
<th>District</th>
<th>Sign Type</th>
<th>Sign Area</th>
<th>Maximum Height</th>
</tr>
</thead>
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<tr>
<td>Industrial</td>
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<td>Ground - Major Directory for PUD</td>
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<td>25 ft.</td>
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<tr>
<td>Industrial</td>
<td>M1, M2</td>
<td>Pole</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Industrial</td>
<td>M1, M2</td>
<td>Projecting</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Industrial</td>
<td>M1, M2</td>
<td>Wall</td>
<td>150 sq. ft.</td>
<td>below roof</td>
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<tr>
<td>Residential</td>
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<tr>
<td>Residential</td>
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<td>Individual Bldg. Identification Sign</td>
<td>9 sq. ft.</td>
<td>6 ft. if ground sign</td>
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<tr>
<td>Residential</td>
<td>R1, R2</td>
<td>Ground - All others</td>
<td>16 sq. ft.</td>
<td>6 ft.</td>
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</table>


14-310. Site plan regulations for commercial, multi-family, public, and semi-public uses. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, multi-family, public, or semi-public uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the city. These plans shall be approved by the planning commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits. When a project lies within any historic district, the Clinton Historic Zoning Commission (CHZC) shall be the body which reviews and approves such site plans.

Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the building official and planning staff, the addition will not adversely affect the general purpose and intent of these regulations.

Shopping centers, mobile home parks, travel trailer parks, apartments, condominiums, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in section 14-308; except that, unless specifically altered by the provisions of section 14-308 or the use and development regulations contained in sections 14-601 -- 14-611 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this
section shall also apply to the plan preparation and site development of all
PUDS.

In accordance with the provisions of § 13-4-104, Tennessee Code
Annotated, site plans for any public use including, but not limited to, schools,
parks, streets and highways, public buildings, and utilities, shall be submitted
to the planning commission for review, and shall be prepared in accordance with
the provisions of sections 14-308, 14-601 -- 14-611, and this section, as may be
applicable.

A site plan shall set forth the proposed development of the total land tract
and shall meet the following regulations:

(1) General provisions. (a) All site plans shall be prepared and
certified by a licensed engineer, landscape architect, architect, and/or
surveyor, as may be appropriate, and in accordance with state law
regarding the practice of these professions. Drawings shall be at a scale
of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

(b) All site plans shall show:
(i) Topography of existing and finished grades.
(ii) Location of all land subject to flooding.
(iii) Dimensions and calls of all property lines.
(iv) North point, scale, acreage of site, and location map.
(v) Location of all existing and proposed structures
(including signs), street rights-of-way, sidewalks, easements, and
covenants.
(vi) Dimensions of all existing and proposed structures.
(vii) Plans for vehicular and pedestrian circulation,
utilities, solid waste disposal, landscaping and open space, signs,
off-street parking, and storm water drainage.

(2) Open space and landscaping plan. To obtain sufficient space
between uses and buildings for adequate light, air, privacy, and amenities, the
following requirements for open space and landscaping are established:

(a) Landscaping shall mean planting of grass, trees, shrubs, or
other comparable surface cover or decorative plazas and/or pools. Where
existing landscape features exist on site which can meet the purpose of
this section, all or part of such features may be used to meet the
requirements of this section upon the approval of the planning
commission.

(b) All developments shall meet the minimum yard (open space)
requirements established in chapters 6 and 7.

(c) The setback space between a public street and parking areas
shall be landscaped with berms and/or appropriate landscape plants
which shall be maintained in a healthy, growing condition through a
permanent maintenance program.

(3) Signs. Sign size and placement shall be governed by the provisions
of section 14-309.
(4) Off-street parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of sections 14-302 through 14-306.

(5) Waste disposal. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.

(6) Stormwater drainage. A certified plan and calculations for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based.

(a) The plan shall include an engineer's typical drawings for all construction and structures. Detention pond(s) and other drainage structures to include underground detention structures shall be designed for the peak runoff rate resulting from the 2-year, 5-year, and 10-year, 24-hour SCS Type II storms for existing and developed conditions. The volume of all drainage structures shall be sufficient enough to attenuate the difference between existing and developed these two conditions for each of the storms while releasing at a rate not greater than the existing rate. An emergency or secondary spillway or other acceptable facilities shall be designed to pass the 100-year flood resulting from the developed conditions while maintaining adequate freeboard.

(b) Once construction is complete, the owner shall submit to the City of Clinton as-built plans and drainage calculations based on the as-built conditions of stormwater drainage amenities prior to the issuance of a certificate of occupancy. Both the calculations and as-built plans shall be certified by a professional engineer who is licensed to practice in the State of Tennessee.

(c) Construction. The following minimum requirements shall be used in the design and construction of stormwater management detention facilities:

(i) All inlets shall be located as far away from the outlet structure as possible;
(ii) The length-to-width should be at least 2:1 (and preferably 3:1); for above ground detention basins and ponds.
(iii) All outlet structures shall be constructed from concrete, double brick, masonry block reinforced and poured solid, or other durable material. CMP risers will not be used as a riser. A means for cleanout access, such as a removable frame and grate casting, shall be provided;
(iv) The specific flow-controlling elements of an outlet structure may include one or more of the following: a circular orifice, a noncircular, a rectangular weir, a trapezoidal weir, a triangular weir, a V-notch weir:
(v) Trash racks and other debris barriers shall be included in the design.

(7) Site improvements bond. Prior to the issuance of a certificate of occupancy, the building official shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the building official and city manager shall determine the amount, form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.

(8) Issuance of building permits. No building permit shall be issued until the building official receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix D).

(9) Expiration of approved site plans. Site plans granted approval contingent upon corrections to the site plan shall have ten (10) days to make the required corrections and submit a revised site plan to the building official. Approval of all site plans shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project. (Ord. #317, as amended by Ord. #385, Feb. 1998, Ord. #438, Nov. 2002, and Ord. #551, July 2009)

14-311. Site plan regulations for industrial uses. It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted in the industrial districts of the city and shall apply to the expansion or redevelopment of any existing uses within the city's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Clinton through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the city prior to the issuance of any grading or building permit.

Industrial and/or commercial PUDs located in any industrial zoning district shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in section 14-308; except that unless specifically altered by the provisions of sections 14-308 or the use and development regulations contained in sections 14-601 through 14-611 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of § 13-4-104, Tennessee Code Annotated, site plans for any public use including but not limited to schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review and shall be prepared in accordance with
the provisions of sections 14-308, 14-601--14-611, and this section, as may be applicable.

(1) General provisions. (a) All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

(b) All site plans shall show:

(i) Topography of existing and finished grades.
(ii) Location of all land subject to flooding.
(iii) Dimensions and calls of all property lines.
(iv) North point, scale, acreage of site, and location map.
(v) Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.

(vi) Dimensions of all existing and proposed structures.
(vii) Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signage, off-street parking, and storm water drainage.

(2) Open space and landscaping plan. To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

(a) Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist on site which can meet the purpose of this section, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.

(b) To minimize adverse visual and environmental impacts, no accessory buildings shall be permitted in areas established for open space.

(c) All site plans shall meet the minimum yard requirements (open space) established in chapters 6 and 7; except that, on sites adjoining residential districts, the following additional development standards shall apply:

(i) The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
(a) Off-street parking areas shall be setback no less than fifty (50) feet from the district boundary.

(b) At least the first fifty (50) feet of required yard area shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.

(c) No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster facilities for nonindustrial solid waste products.

(d) The setback space between the public street and parking areas shall be landscaped.

(i) Where possible berming shall be installed to screen parked cars and where berms are not used screening shall be achieved through use of trees and shrubs.

(ii) All landscaping shall be maintained in a healthy growing condition through a permanent maintenance program.

(3) Signs. Sign size and placement shall be governed by the provisions of section 14-309.

(4) Off-street parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of sections 14-302 through 14-306.

(5) Emissions. To provide for the protection of the environment and the citizens of Clinton, a plan for emission control shall meet the following requirements:

(a) No use shall create noise, vibrations, dust, odor, or fumes which are in any way harmful to endanger the health, safety, and general welfare of the public.

(b) Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.

(c) In the event that emission controls are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.

(d) If the city determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.

(6) Waste disposal. (a) No waste disposal facilities, whether they be for the disposal of industrial or nonindustrial solid waste, shall be allowed within any front yard.

(b) All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
(7) **Stormwater drainage.** A certified plan and calculations for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based.

(a) The plan shall include an engineer's typical drawings for all construction and structures. Detention pond(s) and other drainage structures to include underground detention structures shall be designed for the peak runoff rate resulting from the 2-year, 5-year, and 10-year, 24-hour SCS Type II storms for existing and developed conditions. The volume of all drainage structures shall be sufficient enough to attenuate the difference between existing and developed these two conditions for each of the storms while releasing at a rate not greater than the existing rate. An emergency or secondary spillway or other acceptable facilities shall be designed to pass the 100-year flood resulting from the developed conditions while maintaining adequate free board.

(b) Once construction is complete, the owner shall submit to the City of Clinton as-built plans and drainage calculations based on the as-built conditions of stormwater drainage amenities prior to the issuance of a certificate of occupancy. Both the calculations and as-built plans shall be certified by a professional engineer who is licensed to practice in the State of Tennessee.

(c) **Construction.** The following minimum requirements shall be used in the design and construction of stormwater management detention facilities:

   (i) All inlets shall be located as far away from the outlet structure as possible;

   (ii) The length-to-width should be at least 2:1 (and preferably 3:1); for above ground detention basins and ponds.

   (iii) All outlet structures shall be constructed from concrete, double brick, masonry block reinforced and poured solid, or other durable material, CMP risers will not be used as a riser. A means for cleanout access, such as a removable frame and grate casting, shall be provided;

   (iv) The specific flow-controlling elements of an outlet structure may include one or more of the following: a circular orifice, a noncircular, a rectangle weir, a trapezoidal weir, a triangular weir, a V-notch weir;

   (v) Trash racks and other debris barriers shall be included in the design.

(8) **Site improvements bond.** Prior to the issuance of a certificate of occupancy, the building official shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the building official and city manager shall determine the amount,
form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.

(9) Issuance of building permits. No building permit shall be issued until the building official receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix D).

(10) Expiration of approved site plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project. (Ord. No. 317, sec. 2, as amended by Ord. #385, Feb. 1998, and Ord. #438, Nov. 2002)

14-312. Temporary, mobile, factory-built, or factory assembled structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the city for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.

(1) Permitted temporary, mobile, factory-built, or factory assembled structures. The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.

(a) Mobile homes located in approved mobile home parks.

(b) Modular buildings for residential or nonresidential use installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, TCA.

(c) Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.

(d) Customary accessory storage buildings in approved residential locations.

(e) Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.
(f) Tents or temporary buildings used to sell fresh produce locally grown in Anderson County during the growing season or Christmas trees during the holiday season.

(2) Replacement of nonconforming mobile home dwellings. See section 14-301(4) of this ordinance.

(3) Establishment of new or expansion of existing mobile home and travel trailer parks. Mobile home and travel trailer parks shall be considered PUDs and the establishment or expansion of these uses shall be subject to the provisions of section 14-308 and other applicable sections of this ordinance.

Ord. No. 317, sec. 2

14-313. Customary home occupations. The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

(1) Permitted home occupations. (a) Arts and crafts made by the owners of the premises.

(b) Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.

(c) Tutorial instruction allowing two pupils per session, except for music instruction which shall be one student per session.

(d) Beauty/barber shops.

(e) Antique sales.

(f) Any other use which the Board of Zoning Appeals finds to be of similar character.

(2) Requirements/limitations regarding the operation of home occupations.

(a) Location on premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.

(b) Exterior alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.

(c) Outdoor display or storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(d) Employees. No persons other than a member of the immediate family occupying such dwelling, and one (1) person not a member of such family, may participate in or be employed by such occupation.

(e) Level of activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for
residential purposes by its occupants, and shall under no circumstances change the residential character thereof.

(f) **Traffic, parking.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

(g) **Equipment and production processes.** No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

(h) **Signs.** No signs accessory to such home occupation shall be displayed except as permitted or authorized by section 14-309(3)(g). (Ord. No. 317, sec. 2)

14-314. **Gasoline service stations.** The following development standards shall apply to all gasoline service stations:

(1) Front yard setbacks for all structures except the principal building, shall be reduced to fifteen (15) feet.

(2) On all streets classified as arterials on the official major road plan, no driveways shall be constructed within sixty (60) feet of an intersecting street right-of-way line. (Ord. No. 317, sec. 2, as amended by Ord. #385, § 4, Feb. 1998)

14-315. **Floodplain hazard management regulations.** (1) **Statutory authorization, findings of fact, purpose and objectives.**

(a) **Statutory authorization.** The Legislature of the State of Tennessee has in *Tennessee Code Annotated*, §§ 13-7-201 through 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 Clinton, Tennessee Mayor and City Council, does ordain as follows:

(b) **Findings of fact.** (i) The City of Clinton, 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, § 60.3.
(ii) Areas of the City of Clinton, 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.

(iii) 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, flood-proofed, or otherwise unprotected from flood damages.

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

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

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

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

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

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

(d) Objectives. The objectives of this section are:

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

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

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

(iv) To minimize prolonged business interruptions;

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

(vi) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
(vii) To ensure that potential homebuyers are notified that property is in a flood prone area;
(viii) To maintain eligibility for participation in the NFIP.

(2) Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give this section its most reasonable application given its stated purpose and objectives.

(a) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this section, shall conform to the following:
   (i) Accessory structures shall only be used for parking of vehicles and storage.
   (ii) Accessory structures shall be designed to have low flood damage potential.
   (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
   (iv) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
   (v) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

(d) "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.

(e) "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.

(f) "Area of special flood hazard" see "Special flood hazard area."
(g) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(i) "Building" see "Structure."

(j) "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.

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

(l) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with § 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.

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

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

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

(p) "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 section adopted by the community as a basis for that community's participation in the NFIP.

(q) "Existing structures" see "Existing construction."

(r) "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).

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

(i) The overflow of inland or tidal waters;
(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(t) "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.

(u) "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.

(v) "Flood Hazard Boundary Map (FHB M)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

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

(x) "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.

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

(z) "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.

(aa) "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.

(bb) "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.

(cc) "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.

(dd) "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.

(ee) "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.

(ff) "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.

(gg) "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 or bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(hh) "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.

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

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

   (i) 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;

(ii) 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;

(iii) 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

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

(A) By an approved Tennessee program as determined by the Secretary of the Interior or
(B) Directly by the Secretary of the Interior.

(kk) "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.

(ll) "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.

(mm) "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 section.

(nn) "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."

(oo) "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.

(pp) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.
(qq) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this section, 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.

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

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

(tt) "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 section or the effective date of the initial floodplain management section and includes any subsequent improvements to such structure.

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

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

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

(xx) "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.

(yy) "Recreational vehicle" means a vehicle which is:
   (i) Built on a single chassis;
   (ii) Four hundred (400) square feet or less when measured at the largest horizontal projection;
   (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
   (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(zz) "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.

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

(bbb) "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.

(ccc) "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.

(ddd) "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.

(eee) "State coordinating agency" The Tennessee Department of Economic and Community Development, 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.

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

(ggg) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
"Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

(i) The market value of the structure should be
   (A) The appraised value of the structure prior to the start of the initial improvement, or
   (B) In the case of substantial damage the value of the structure prior to the damage occurring.

(ii) The term does not, however, include either:
   (A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;
   (B) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(iii) "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.

(jjj) "Variance" is a grant of relief from the requirements of this section.

(kkk) "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 section is presumed to be in violation until such time as that documentation is provided.

(lll) "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.

(3) General provisions. (a) Application. This section shall apply to all areas within the incorporated area of the City of Clinton, Tennessee.

   (b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Clinton, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood
Insurance Rate Map (FIRM), Community Panel Numbers 47001C0137F, dated January 17, 2007; and Panel Numbers 47001C0136G, 0138G, 0139G, 0232G, 0234G, 0235G, 0245G, 0251G, and 0255G; dated May 4, 2009; along with all supporting technical data, are adopted by reference and declared to be a part of this section.

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

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

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

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

(i) Considered as minimum requirements;

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

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

(g) Warning and disclaimer of liability. The degree of flood protection required by this section 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 section 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 section shall not create liability on the part of the City of Clinton, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(h) Penalties for violation. Violation of the provision of this section or failure to comply with any of its requirements, including violation of conditions and safeguard established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this section 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 Clinton, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(4) Administration. (a) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this section.

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

(i) Application stage.

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

(B) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this section.

(C) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in subsection (5)(a) and (b).

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

(ii) Construction stage. Within AE zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall 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 flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall
record the elevation of the lowest floor on the development permit. When flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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.

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

(i) Review all development permits to assure that the permit requirements of this section have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(ii) 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 § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(iii) Notify adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(iv) 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.

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

(vi) 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 or substantially improved buildings, in accordance with subsection (4)(b).

(vii) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the
new or substantially improved buildings have been flood-proofed, in accordance with subsection (4)(b).

(viii) When flood proofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (4)(b).

(ix) 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 section.

(x) When base flood elevation data or 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 Clinton, Tennessee FIRM meet the requirements of this section.

(xi) Maintain all records pertaining to the provisions of this section in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this section shall be maintained in a separate file or marked for expedited retrieval within combined files.

(5) Provisions for flood hazard reduction. (a) General standards. In all flood prone areas the following provisions are required:

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

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

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

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

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

(vii) 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;

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

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

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

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

(xii) All subdivision proposals and other proposed new development proposals shall meet the standards of subsection (5)(b);

(xiii) 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;

(xiv) 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.

(b) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (5)(a), are required:

(i) Residential structures. In AE zones where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home)
shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this subsection (5)(b)(iii) "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 subsection (2) of this section). 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 subsection (5)(b)(iii) "Enclosures."

(ii) Non-residential structures. In AE zones, where base flood elevation data is available, new construction and substantial improvement of a commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed 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 subsection (5)(b)(iii) "Enclosures."

In approximate A zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than three feet (3') above the highest adjacent grade (as defined in subsection (2)). 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 subsection "Enclosures."

Non-residential buildings located in all A zones may be flood-proofed, 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 subsection (4)(b).

(iii) 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.

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

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

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

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

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

(C) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of subsection (5)(b) of this section.

(iv) Standards for manufactured homes and recreational vehicles.

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

(1) Individual lots or parcels,

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

(3) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
(B) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1. In AE zones, with base flood elevations, the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation or
2. In approximate A zones, without base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in subsection (2)).

(C) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of subsection (5)(a) and (b) of this section.

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

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

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
3. The recreational vehicle must meet all the requirements for new construction.

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

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

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

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

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

(c) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in subsection (3)(b), 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:

(i) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments 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 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 Clinton, Tennessee and certification, thereof.

(ii) New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsection (5)(a) and (b).

(d) 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 subsection (3)(b), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(i) 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.

(ii) New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (5)(a) and (b).

(e) Standards for streams without established base flood elevations or floodways (A Zones). Located within the special flood hazard areas established in subsection (3)(b), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(i) The administrator shall 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 (see (ii) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A zones meet the requirements of subsection (5)(a) and (b).

(ii) Within 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.

(iii) 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 flood-proofed to a level of at least three feet (3') above the highest adjacent grade as defined in subsection (2)). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in subsection (4)(b). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (5)(b).

(iv) 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 Clinton, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(v) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of (5)(a) and (b). Within approximate A zones, require that those subsections of subsection (5)(b) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(f) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in subsection (3)(b), 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 subsection (5)(a) and (b), apply:

(i) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the 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 (5)(b).

(ii) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood-proofed and designed watertight to be completely flood-proofed 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 flood-proofed to at least three feet (3') above the highest adjacent
(g) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in subsection (3)(b), 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 subsections (4) and (5) shall apply.

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

(i) 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 City of Clinton, Tennessee.

(ii) 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 subsections (4) and (5).

(6) Variance procedures. (a) Municipal board of zoning appeals.

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

(ii) 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 may be set by the legislative body.
(iii) 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 section. 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 twenty-five dollars ($25.00) 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 forty-five (45) 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.

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

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

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

1) The City of Clinton, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this section.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this section to preserve the historic character and design of the structure.

3) In passing upon such applications, the municipal board of zoning appeals shall consider all
technical evaluations, all relevant factors, all standards specified in other sections of this section, and:

(a) The danger that materials may be swept onto other property to the injury of others;
(b) The danger to life and property due to flooding or erosion;
(c) The susceptibility of the proposed facility and its contents to flood damage;
(d) The importance of the services provided by the proposed facility to the community;
(e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
(j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(4) Upon consideration of the factors listed above, and the purposes of this section, 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 section.

(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(b) Conditions for variances. (i) 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 (6)(a).

(ii) 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.

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

(iv) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

(7) Legal status provisions. (a) Conflict with other ordinances. In case of conflict between this section or any part thereof, and the whole or part of any existing or future ordinance of the City of Clinton, Tennessee, the most restrictive shall in all cases apply.

(b) Severability. If any section, clause, provision, or portion of this section shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this section which is not of itself invalid or unconstitutional.

(c) Effective date. The section shall become effective immediately after its passage, in accordance with the Charter of Clinton, Tennessee, and the public welfare demanding it. (as added by Ord. #359, April 1995, replaced by Ord. #507, Sept. 2006, amended by Ord. #546, March 2009, and replaced by Ord. #598, Nov. 2013)

14-316. Commercial truck stops. The following standards shall apply to permitted truck stops within the city:

(1) The minimum lot size shall be two (2) acres in size;

(2) Access is restricted to streets classified as arterial or major collector streets on the official major road plan (see appendix B);

(3) The lot shall not be located more than two-thousand and five hundred feet (2,500') feet from the interstate;
The minimum distance between truck stops shall be at least two thousand feet (2,000');
There shall be a perimeter setback of fifty feet (50') on all lot lines;
At least five percent (5%) of the total lot area shall be landscaped;
Adequate outdoor lighting that shall be shielded and directed toward the off-street parking area in a manner that will not create visibility problems with motorists;
Adequate parking shall be provided for truck stops and incidental uses in accordance with §§ 4-304 through 14-307;
Minimum individual parking space for tractor trailers shall be twelve feet (12') wide and fifty feet (50') long with a minimum of fifty (50) additional feet provided for maneuverability. (as added by Ord. #560, July 2009)

14-317. Day cares. (1) Definitions. (a) Home day care. A licensed day care operated within an occupied residence as a home occupation for the care of up to seven (7) children under the age of seventeen (17) years of age for less than a twenty-four (24) hour period.
(b) Group day care. A licensed day care facility for the care of up to fifteen (15) children under the age of seventeen (17) years of age for less than a twenty-four (24) hour period.
(c) Day care center. A licensed day care facility operated as the principal use for the care of over fifteen (15) children under the age of seventeen (17) years of age for less than a twenty-four (24) hour period.
(d) Accessory use day care center. A licensed day care facility operated as an accessory use for a church, school or business for the care of over fifteen (15) children under the age of seventeen (17) years of age for less than a twenty-four (24) hour period.

(2) Home day care. The following special standards shall apply to all home day cares:
(a) The home day care use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
(b) The operator of the day care must be the owner of the property and must reside on the property.
(c) No more than seven (7) children under the age of seventeen (17) who are not permanent residents of the dwelling may be cared for at any one time; provided, however, that the total number of children cared for at any one time, including those that are permanent residents.
(d) All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.

(e) Outdoor play space shall not be permitted in the front yard area.

(f) Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children's play space.

(g) No portion of the fenced play area shall be closer than twenty feet (20') to any residential lot line and shall be no closer than thirty feet (30') to any public street.

(h) Operator of the facility must register information of the facility with the E-911 office and demonstrate an adequate loading/unloading area.

(3) **Group day care.** The following special standards shall apply to all home day cares:

(a) The group day care use shall be the principal use of the dwelling.

(b) Minimum lot size shall be thirty thousand (30,000) square feet in the R-1 District and twenty thousand (20,000) square feet in all other permitted districts.

(c) No more than fifteen (15) children under the age of seventeen (17) who are not permanent residents of the dwelling may be cared for at any one time.

(d) All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.

(e) Outdoor play space shall not be permitted in the front yard area.

(f) Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children's play space.

(g) No portion of the fenced play area shall be closer than twenty-five feet (25') to any residential lot line and shall be no closer than thirty feet (30') to any public street.

(h) Operator of the facility must register information of the facility with the E-911 office and file floor plan with the fire department.

(i) Compliance with all requirements of § 14-601(5).

(4) **Accessory use day care center.** The following special standards shall apply to all accessory use day cares:

(a) The day care center shall be clearly incidental to the principal use of the lot as a school, church or business.

(b) The facility generally will be located within the principal building, but can be located within a secondary building on the same lot.
(c) Minimum lot size shall be thirty thousand (30,000) square feet in the R-1 District and twenty thousand (20,000) square feet in all other permitted districts.

(d) No less than fifteen (15) children under the age of seventeen (17) who are not permanent residents of the dwelling may be cared for at any one time.

(e) All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.

(d) Outdoor play space shall not be permitted in the front yard area.

(e) Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children’s play space.

(f) No portion of the fenced play area shall be closer than twenty-five feet (25’) to any residential lot line and shall be no closer than fifty feet (50’) to any public street.

(g) Operator of the facility must register information of the facility with the E-911 office and file floor plan with the fire department.

(h) Compliance with all requirements of §14-601(5).

(5) Day care center. The following special standards shall apply to all day care centers:

(a) The day care center shall be the principal use of the lot.

(b) No less than fifteen (15) children under the age of seventeen (17) who are not permanent residents of the dwelling may be cared for at any one time.

(c) Minimum lot size shall be thirty thousand (30,000) square feet in the R-1 District and twenty thousand (20,000) square feet in all other permitted districts.

(d) All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.

(e) Outdoor play space shall not be permitted in the front yard area.

(f) Outdoor play space shall be fenced or otherwise enclosed and shall not include driveways, parking areas or land unsuited for children’s play space.

(g) No portion of the fenced play area shall be closer than twenty-five feet (25’) to any residential lot line and shall be no closer than fifty feet (50’) to any public street.

(h) Operator of the facility must register information of the facility with the E-911 office and file floor plan with the fire department.

(i) Compliance with all requirements of §14-601(5). (as added by Ord. #555, July 2009)
CHAPTER 4

APPLICATION OF REGULATIONS

SECTION
14-401. Use.
14-402. Street frontage.
14-403. Corner lots.
14-404. One principal building on a lot.
14-405. Reduction of lot size.
14-406. Yard and other spaces.
14-407. Conformity to subdivision regulations.
14-408. Accessory building and use regulations.
14-409. Height and density.

14-401. Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located. (Ord. No. 317, sec. 2)

14-402. Street frontage. No building shall be erected on a lot which does not abut on at least one public street for at least forty (40) feet. Residential planned unit developments may be excluded from this provision through the plan-approval process for planned unit developments. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards. (Ord. No. 317, sec. 2)

14-403. Corner lots. The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located. (Ord. No. 317, sec. 2)

14-404. One principal building on a lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission. (Ord. No. 317, sec. 2)

14-405. Reduction of lot size. No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this ordinance shall not be maintained. (Ord. No. 317, sec. 2)
14-406. Yard and other spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building. (Ord. No. 317, sec. 2)

14-407. Conformity to subdivision regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Clinton Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission. (Ord. No. 317, sec. 2)

14-408. Accessory building and use regulations. Buildings and/or uses which are customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

(1) General provisions. (a) No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.

(b) If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

(c) The construction of a carport or detached garage will not have a detrimental affect on the safety of adjoining properties or damage the aesthetic character of the surrounding neighborhood.

(2) Location. (a) Residential districts. Accessory buildings may be located in all residential districts. Detached garages and carports may be located in the rear or side yard, but all other accessory buildings shall be located in the required rear yard only.

(b) Detached garage/carport. Shall not exceed twenty-five percent (25%) of the required rear or side yard, except as may be provided for in chapter 6 and be located no closer than ten feet (10') from the property line. Detached garages or carports with rear access shall maintain a twenty foot (20') setback from the property line. Structures shall not exceed a maximum of one thousand (1,000) square feet in area.

(c) Swimming pools. Shall not exceed twenty-five percent (25%) of the required rear or side yard, except as may be provided for in chapter six and be located no closer than ten feet (10') from the property line. The swimming pool shall contain a perimeter wall or fence at least five feet
(5’) in height and maintained in good condition so as to prevent uncontrolled access.

(d) Other accessory structures. Shall not exceed twenty-five percent (25%) of the required rear yard, except as may be provided for in chapter 6. All accessory structures not exceeding one-hundred and twenty (120) square feet shall be located no closer than five feet (5’) from the property line. Accessory structures exceeding one-hundred and twenty (120) square feet shall be located no closer than ten feet (10’) from the property line.

(e) No accessory buildings or uses shall be permitted within any required front yard, except for such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.

(f) No accessory structure shall be located within an established easement.

(g) No accessory structure shall be located closer than twenty feet (20’) from a public right-of-way. (Ord. #317, as amended by Ord. #559, July 2009)

14-409. Height and density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located. (Ord. No. 317, sec. 2)
CHAPTER 5
ESTABLISHMENT OF DISTRICTS

SECTION
14-501. Classification of districts.

14-501. **Classification of districts.** For the purpose of this chapter, the City of Clinton, Tennessee, is hereby divided into twelve (12) classes of districts as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>District</th>
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<tbody>
<tr>
<td>Residential</td>
<td>R-1 Low Density Residential</td>
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<tr>
<td></td>
<td>R-2 Medium Density Residential</td>
</tr>
<tr>
<td></td>
<td>R-3 Multifamily Planned Residential District</td>
</tr>
<tr>
<td></td>
<td>MHP Mobile Home Park District</td>
</tr>
<tr>
<td>Commercial</td>
<td>B-1 Central Business District</td>
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<td></td>
<td>B-2 General Business District</td>
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<td>B-3 Neighborhood Business District</td>
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<td>B-4 Interstate Business District</td>
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<td>Industrial</td>
<td>M-1 Light Industrial District</td>
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<td></td>
<td>M-2 Heavy Industrial District</td>
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<tr>
<td>Flood</td>
<td>F-1 Flood Hazard District</td>
</tr>
<tr>
<td>Historic</td>
<td>H-1 Historic District</td>
</tr>
</tbody>
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(Ord. No. 317, sec. 2, as amended by Ord. #357, § 1, May 1994; further amended by Ord. #385, § 5, Feb. 1998, and replaced by Ord. #508, Sept. 2006)

14-502. **Zoning district boundaries.** The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of The City of Clinton, Tennessee," dated May 2006 and all amendments thereof, which is a part of this ordinance and which is on file in the building official's office. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals. (Ord. No. 317, as amended by Ord. #497, June 2006, and replaced by Ord. #508, Sept. 2006)
CHAPTER 6

PROVISIONS GOVERNING USE DISTRICTS

SECTION
14-601. R-1 Low Density Residential.
14-603. R-3 Multifamily Planned Residential District.
14-604. B-1 Central Business District.
14-605. B-2 General Business District.
14-606. B-3 Neighborhood Business District.
14-607. Interstate Business District.
14-608. M-1 Light Industrial District.
14-609. M-2 Heavy Industrial District.
14-610. F-1 Flood Hazard District.
14-611. H-1 Historic District.
14-612. MHP Mobile Home Park District.

14-601. R-1 Low Density Residential. It is the purpose and intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage an environment for family life, and to restrict all business oriented activities.

In order to achieve the purpose and intent of the R-1 Low Density Residential District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

(1) Single-family residences, except mobile homes.
(2) Single-family and two-family (duplex) PUD’s, except mobile homes.
(3) Customary general farming as the principal use of the lot, excluding on-site sales.
(4) Customary home occupations as regulated in section 14-313.
(5) Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; schools offering general education; churches; and tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:

   (a) A site plan prepared as regulated in section 14-310 is reviewed and approved by the planning commission;
   (b) The buildings are placed not less than fifty (50) feet from side and rear property lines;
   (c) There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
(d) That access be restricted to streets classified as Arterial and Major Collector Streets on the official Major Road Plan; (See Appendix B) and

(e) Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

(6) Signs as regulated in section 14-309.

(7) Customary accessory buildings as regulated in sections 14-408 and 14-803.


(9) Setback and height requirements as regulated in chapter 7.

(10) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. #317, as amended by Ord. #330, Oct. 1991, Ord. #556, July 2009, and Ord. #557, July 2009)

14-602. R-2 Medium Density Residential. It is the purpose and intent of this district to provide areas for higher density residential development plus open areas where similar development is likely to occur. Professional services are also permitted in this district provided that they meet applicable standards and are limited so as not to encourage general commercial activity. When proposed uses are not allowed in the R-1 Low Density Residential District, but are adjacent to the R-1 Low Density Residential District, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the R-2 Medium Density Residential District, as shown on the Zoning Map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

(1) Any use and regulations in the R-1 Residential District.

(2) Three family (triplex) and four family (fourplex) residences.

(3) Bed and breakfast inns.

(4) Funeral homes; fraternal organizations; clubs not operated for profit; day care centers providing care and supervision for children, handicapped persons, or elderly for periods of less than twenty-four (24) hours; and professional offices of doctors, lawyers, accountants, architects, dentists, real estate, insurance agencies, and similar uses, provided:

   (a) A site plan prepared as regulated in section 14-310 is reviewed and approved by the planning commission;

   (b) The buildings are placed not less than fifty (50) feet from side and rear property lines;

   (c) There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;

   (d) Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
(e) That access be restricted to streets classified as Arterial and Major Collector Streets, on the official Major Road Plan; (See Appendix B) and

(f) Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible.

(5) Signs as regulated in section 14-309.

(6) Customary accessory buildings as regulated in sections 14-408 and 14-803.


(8) Setback and height requirements as regulated in chapter 7.

(9) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. #317, as amended by Ord. #330, Oct. 1991, Ord. #369, Sept. 1996, and Ord. #557, July 2009)

14-603. R-3 Multifamily Planned Residential District. It is the purpose and intent of this district to provide areas for high density, multiple dwelling unit planned residential developments located adjacent to public infrastructure capable of providing appropriate levels of service.

In order to achieve the purpose and intent of the R-3 Multifamily Planned Residential District, as shown on the Zoning Map of the City of Clinton, Tennessee, the following uses shall be permitted and regulations shall apply:

(1) Any multiple unit residential use, including mobile home parks, shall be considered planned unit developments (PUDs) and shall be subject to the requirements of § 14-308, Planned Unit Development (PUD) Regulations. In addition, the following requirements shall apply to all developments within the zone:

(a) The minimum allowable lot size shall be two (2) acres.

(b) The maximum density shall be twelve (12) units per acre, however, maximum density is not guaranteed and is dependent on compliance with all applicable municipal codes.

(c) Street access shall be restricted to arterial and collector streets as defined by the Clinton Major Road Plan (see Appendix B).

(d) The minimum allowable street frontage shall be one hundred fifty (150) feet along arterial or collector streets as defined by the Clinton Major Road Plan (see Appendix B).

(e) A minimum of ten (10) percent of the development shall be reserved for on site open space and recreational uses.

(f) A planted and maintained buffer strip shall be required where a proposed development site is located adjacent to any residential, business, or industrial district that is not already separated from the site by a publicly owned street, publicly owned open space, or public park.

(2) Signs as regulated in § 14-309.
(3) Customary accessory buildings as regulated in §§ 14-408 and 14-803.

(4) Ingress, egress and parking as regulated in §§ 14-302 and 14-307.

(5) Height and area requirements as regulated in chapter 7 and § 14-308. (as added by Ord. #369, Sept. 1996, and replaced by Ord. #496, May 2006)

14-604. **B-1 Central Business District.** It is the purpose and intent of this district to secure the commercial core of the City, to promote the historic preservation of the old CBD, and to encourage concentrated development of office and shopping facilities. The requirements of the district are designed to protect and improve this area as the principal shopping and office district of Clinton. Prior to the issuance of building permits for all new construction, site plans as required by section 14-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Clinton, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-1 Central Business District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

1. Retail trade and services, excluding all types requiring outdoor display or storage.
2. Personal, business, and professional services excluding repair garages, junkyards, waste collection or transfer sites, storage yard, and other similar uses.
3. Cultural activities.
4. Churches, clubs, and lodges.
5. Dwelling units for the purpose of permanent occupancy located above street level.
6. Townhouses, condominiums, and similar types of housing may be established as separate uses as a PUD under the applicable provisions of section 14-308 of this ordinance when the following development criteria are met:
   a. There shall be no minimum lot size required for this type of development.
   b. Setback requirements of the B-1, Central Business District, shall prevail.
   c. The density of such developments shall not exceed fifteen (15) units per gross acre.
7. Publicly owned buildings and uses, excluding schools and waste collection or transfer site, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104.
8. Signs as regulated in section 14-309.
(9) Customary accessory uses and structures as regulated in section 14-408.

(10) No off-street parking is required; however, any off-street parking provided shall meet the applicable provisions in sections 14-302--14-307.

(11) Setback and height requirements as regulated in chapter 7.

(12) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (as amended by Ord. #357, May 1994, renumbered by Ord. #369, May 1994, and amended by Ord. #557, July 2009)

14-605. **B-2 General Business District.** It is the purpose and intent of this district to provide for general commercial areas at convenient locations within the city. The regulations are designed to encourage concentrations of commercial activities and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. The regulations are also designed to encourage groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by section 14-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Clinton, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-2 General Business District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted.

(1) Personal, business, and professional services and offices, excluding junkyards, waste collection or transfer sites and other similar uses.

(2) Storage yards provided a buffer strip is planted.

(3) Retail business, including automobile and mobile home sales.

(4) Lodges, clubs, hotels, motels, restaurants, and other similar services.

(5) Funeral homes.

(6) Churches and places of worship.

(7) Gasoline service stations as regulated in section 14-314.

(8) Wholesale business and warehousing.

(9) Places of amusements, recreation, entertainment, or assembly.

(10) Shopping centers developed as planned unit developments as regulated in section 14-308.

(11) Commercial and travel trailer parks developed as planned unit developments as regulated in section 14-308.

(12) Publicly owned buildings and uses, excluding waste collection or transfer sites, following approval by the planning commission as required in
Tennessee Code Annotated, 13-4-104; and schools and colleges offering general education.

(13) Signs as regulated in section 14-309.
(15) Customary accessory uses and structures as regulated in section 14-408.
(16) Setback and height requirements as regulated in chapter 7.
(17) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. #317, amended by Ord. #357, May 1994, renumbered by Ord. #369, Sept. 1996, and amended by Ord. #557, July 2009)

14-606. B-3 Neighborhood Business District. It is the purpose and intent of this district to establish areas to serve surrounding residential districts. The regulations are intended to discourage strip development and encourage grouping of uses in which parking and traffic congestion will be reduced, thereby protecting the general public and promoting a more desirable and aesthetically pleasing community. Prior to the issuance of a building permit for any new construction, a site plan, as required in section 14-310, shall be submitted to the planning commission for review and approval to determine if the project meets all requirements and is in keeping with the comprehensive planning program of the City of Clinton, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-3 Neighborhood Business District, as shown on the Zoning Map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

(1) Any use permitted in the R-2 Residential District subject to the requirements of the R-2 District.
(2) Grocery stores, bakery stores, hardware stores, shoe repair shops, tailor shops, photographic studios, barber and beauty shops, laundromats, self-service laundries, restaurants and other similar uses, provided access is restricted to streets classified as Arterial and Major Collector Streets on the official Major Road Plan. (See Appendix B)
(3) Multi-use commercial centers developed as planned unit developments as regulated in section 14-308.
(4) Signs as regulated in section 14-309.
(6) Customary accessory uses and structures as regulated in section 14-408.
(7) Setback and height requirements as regulated in chapter 7.
(8) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord.
14-607. Interstate Business District. It is the purpose and intent of this district to provide for interstate highway oriented commercial areas adjacent to interstate highway interchanges. The regulations are designed to encourage concentrations of commercial activities associated with interstate highway traffic while also encouraging groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by section 14-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Clinton, Tennessee. When proposed uses are adjacent to residential districts, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-4 Interstate Highway Business District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted.

1. Retail business, including automobile and mobile home sales.
2. Lodges, clubs, hotels, motels, restaurants, and other similar services.
4. Planned Commercial developments as regulated in section 14-308.
5. Personal, business, and professional services and offices, excluding junkyards, waste collection or transfer sites and other similar uses.
6. Publicly owned buildings and uses, excluding waste collection or transfer sites, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; and schools and colleges offering general education.
7. Signs as regulated in section 14-309.
9. Customary accessory uses and structures as regulated in section 14-408.
10. Setback and height requirements as regulated in chapter 7.
11. The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (as added by Ord. #357, May 1994, renumbered by Ord. #369, Sept. 1996, and amended by Ord. #557, July 2009)

14-608. M-1 Light Industrial District. It is the purpose and intent of this district to establish areas for certain industrial and commercial establishments along with open areas which will likely develop in a similar manner. The regulations are designed to protect the essential community characteristics and
to promote and encourage industrial, wholesaling, and commercial uses and to
discourage residential development. Therefore, prior to the issuance of building
permits for all new construction, site plans, as required by section 14-311, shall
be reviewed and approved by the planning commission to determine if the
projects are in keeping with this ordinance and the comprehensive planning
program of the City of Clinton, Tennessee.

In order to achieve the purpose and intent of the M-1 Light Industrial
District, as shown on the Zoning Map of the City of Clinton, Tennessee, the
following regulations apply and uses are permitted:

(1) Personal, business, and professional services and offices.
(2) Wholesale trade.
(3) Warehouses.
(4) Trucking terminals of moderate vehicle size and/or activities.
(5) Contractor offices and equipment storage.
(6) Building supplies.
(7) Enclosed manufacturing uses as established below:
   (a) printing and publishing, limited to newspapers, books, periodicals, miscellaneous printing and publishing, and similar allied industries;
   (b) optical;
   (c) food and dairy products, meat packing except odorous cooking and preserving and slaughterhouse operations;
   (d) small article products including jewelry, musical instruments, toys, pens, pencils, and similar uses;
   (e) weaving and moderate textiles, apparel and other finished products made from fabrics and similar materials;
   (f) professional, scientific, and controlling products; and
   (g) lumber and wood products, furniture, and other products, except sawmills and paper mills.
(8) Other uses of the same general character as the above uses, excluding jails.
(9) Signs as regulated in section 14-309.
(10) Access and parking as regulated in section 14-302 through 14-307.
(11) Customary accessory uses and structures as regulated in section 14-408.
(12) Setback and height requirements as regulated in chapter 7.
(13) The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. #317, renumbered by Ord. #369, Sept. 1996, and amended by Ord. #557, July 2009)

14-609. M-2 Heavy Industrial District. It is the purpose and intent of this district to establish areas for heavy industrial activities. The regulations
are designed to protect essential community characteristics and promote the economy by encouraging industrial development in an orderly planned manner. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by section 14-311, shall be reviewed and approved by the planning commission for compliance with this ordinance and the comprehensive planning program of the City of Clinton, Tennessee.

In order to achieve the purpose and intent of the M-2 Heavy Industrial District, as shown on the Zoning Map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

1. Any use permitted in the M-1 Light Industrial District.
2. Service terminals for waterways, trucks, railroads, and related facilities.
3. Any industry which does not cause injurious or obnoxious noise, odors, fire hazards, or other objectionable conditions as determined by the building official. Slaughterhouses, sawmill uses, and jails shall automatically be considered as non-allowed uses.
5. Signs as regulated in section 14-309.
6. Customary accessory uses and structures as regulated in section 14-408.
7. Setback and height requirements as regulated in chapter 7.
8. The board of zoning appeals may hear and determine if any use not listed as a permitted is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. #317, renumbered by Ord. #369, Sept. 1996, and amended by Ord. #385, Feb. 1998, and Ord. #557, July 2009)

14-610. F-1 Flood Hazard District. The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens by requiring that development within this district be regulated in accordance with the National Flood Disaster Act of 1973, and any subsequent amendment thereof. The regulations of any zoning district underlying the F-1 district shall prevail; except that, no building, development, or improvement project shall be commenced within the F-1 district unless a permit has been obtained from the building official stating such project plans meet the requirements of the city's floodplain hazard management regulations, contained in section 14-315 of this chapter. (Ord. No. 317, sec. 2, as amended by Ord. #360, § 1, April 1995; and renumbered by Ord. #369, § 2, Sept. 1996)

14-611. H-1 Historic District. The H-1 District is established as an overlay district. The City of Clinton may designate areas within existing zoning districts as an H-1 district for the purpose of: preserving and protecting the historical and/or architectural value of buildings, other structures, or historically significant areas; regulating exterior design, arrangement, texture,
And materials proposed to be used within the historic district to ensure compatibility; creating an aesthetic appearance which complements the historic building or other structures; stabilizing and improving property values; fostering civic beauty; strengthening the local economy; and promoting the use of historic districts for the education, pleasure, and welfare of the present and future citizens of the City of Clinton.

The regulations of any zoning district underlying the H-1 zone shall prevail, except that no building, development, or improvement project shall be commenced within the H-1 district unless such project has received a certificate of appropriateness from the building official and/or the Clinton Historic Zoning Commission. (Ord. No. 317, sec. 2, as renumbered by Ord. #369, § 2, Sept. 1996)

14-612. MHP Mobile Home Park District. It is the purpose and intent of this district to provide areas for mobile home parks located adjacent to public infrastructure capable of providing appropriate levels of service.

In order to achieve the purpose and intent of the MHP Mobile Home Park District, as shown on the Zoning Map of the City of Clinton, Tennessee, the following uses shall be permitted and regulations shall apply:

1. Mobile home parks shall be considered planned unit developments (PUDs) and shall be subject to the requirements of § 14-308, planned unit development (PUD) regulations. In addition, the following standards shall apply to all developments within the zone:

   a. The minimum allowable size of a mobile home park shall be two (2) acres, with no less than ten (10) mobile home spaces, available at the time of first occupancy shall be used for a mobile home park, however, the plans submitted for approval shall be designed for a minimum of seventeen (17) units.

   b. The maximum density shall be twelve (12) mobile homes per acre, however no individual mobile home space shall be less than five thousand (5000) square feet in area.

   c. Street access shall be restricted to arterial and collector streets as defined by the Clinton Major Road Plan (see Appendix B).

   d. The minimum allowable street frontage shall be one hundred fifty (150) feet along arterial or collector streets as defined by the Clinton Major Road Plan (see Appendix B).

   e. A minimum of ten (10) percent of the development shall be reserved for on site open space and recreational uses.

   f. A planted and maintained buffer strip shall be required where a proposed mobile home park site is located adjacent to any residential, business, or industrial district that is not already separated from the site by a publicly owned street, publicly owned open space, or public park.

   g. Yards:
(i) Each mobile home park shall have the required front yard setback from the street right-of-way line along the entire length of the parcel for the street classification (see Appendix B) on which it fronts.

(ii) Each mobile home park shall have side and rear yard setbacks as required by the PUD regulations.

(g) No building or structure erected or stationed in any mobile home park shall have a height greater than one (1) story or fifteen (15) feet.

(h) All mobile home parks shall be entirely enclosed, excluding driveways, at their external boundaries by a solid wall or evergreen hedge not less than seven (7) feet in height. Along any public street, such wall or hedge shall be twenty five (25) feet from the street right-of-way.

(i) Internal access roads, drives, and pedestrian walkways:

   (i) All vehicular access to mobile home spaces shall be internal to the development. Direct access from mobile home spaces to public streets is prohibited.

   (ii) Access roads within a mobile home park shall comply with the requirements of the PUD regulations.

   (iii) Mobile home spaces may abut upon a drive of not less than twenty (20) feet in width, which shall have unobstructed access to the access road within the mobile home park.

   (iv) Vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

   (v) Paved walkways not less than two (2) feet wide shall be provided from the mobile home spaces to service buildings.

(j) Mobile home spaces:

   (i) All mobile home spaces shall be a minimum of forty (40) feet in width and one hundred twenty five (125) feet in depth.

   (ii) All mobile home spaces shall have four hundred (400) square feet of paved parking area with direct access to a drive or access road.

   (iii) All mobile home spaces shall have ten (10) foot by fifty (50) foot or larger pad consisting of a minimum six (6) inches of compacted gravel, or other suitable paved material.

   (iv) All mobile home spaces shall have connections to a public water supply and a public sanitary sewer system.

   (v) All mobile home spaces shall have planted grass in all areas not covered by gravel or a paved surface.

(k) Allowed uses and structures:

   (i) Mobile homes in approved mobile home parks shall only be used for single family residential occupancy.
(ii) Decks, porches that are not enclosed, patios, or other similar structures shall be permitted.

(iii) Individual accessory storage buildings not exceeding one hundred (100) square feet in area per mobile home space.

(l) Prohibited uses and structures:

(i) Commercial, industrial, or other non-residential uses with a mobile home park shall be prohibited.

(ii) Mobile homes that cannot be connected to a sanitary sewer system or do not have toilet facilities shall be prohibited.

(iii) Enclosed structures attached to the exterior of an individual mobile home shall be prohibited.

(iv) Recreational vehicles shall be prohibited from using a mobile home space for connection and occupation.

(2) Signs as regulated in § 14-309.

(3) Customary accessory buildings as regulated in §§ 14-408 and 14-803.


(5) Height and area requirements as regulated in chapter 7 and § 14-308. (as added by Ord. #496, May 2006)
CHAPTER 7

REFERENCE TABLES

SECTION
14-701. Area, yard, and height requirements.
14-702. Permitted used schedule.
14-703. Site plan checklist.

14-701. Area, yard, and height requirements. For the purpose of this chapter, area, yard, and height requirements for the district classifications of the City of Clinton, Tennessee, Zoning Ordinance are hereby established as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size</th>
<th>Minimum Yard Requirements From Property Lines (Feet)</th>
<th>Maximum Height of Structures (Feet)</th>
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</thead>
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<tr>
<td></td>
<td>Area in Square Feet</td>
<td>Square Feet per Additional Family****</td>
<td>Lot Width at Bldg. Setback (Feet)</td>
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<td>R-2</td>
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<td>3,500</td>
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* Different setback requirements as stated in §§ 14-308, 14-310, 14-311, and 14-601 through 14-611 shall take precedence over the above stated requirements.

** Structures greater than twenty feet (20') in height shall meet a fifteen foot (15') setback.

*** Height limits may be increased to fifty-five feet (55') if an internal fire protection system and fire hydrants are installed.

**** Different lot width requirements as stated in § 14-308 shall take precedence over the above stated requirements.

***** Unless otherwise specified in § 14-603.

(as amended by Ord. #357, May 1994, Ord. #364, Aug. 1995, and Ord. #369, Sept. 1996)
# 14-702. Permitted use schedule.

<table>
<thead>
<tr>
<th>Uses</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>MHP</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
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<th>M-2</th>
<th>Reference</th>
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<td>2 per dwelling unit</td>
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<td>P</td>
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<td>(X)</td>
<td>P</td>
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<td>P</td>
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P=Permitted use, S=Special exception, R=Upon Review, (X)=Prohibited Use, (H)=Customary Home Occupation
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<td>1 per rental room + 1 per 3 employees</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>1 per 2 seats + 1 per employee</td>
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**RETAIL & WHOLESALE TRADE**

<p>| Apparel Shop                             | (X) | (X) | (X) | (X) | P   | P   | P   | P   | P   | P   |                                | 1 per 300 sq ft gross floor space |
| Appliance Sales                          | (X) | (X) | (X) | (X) | P   | P   | P   | P   | P   | P   |                                | 1 per 250 sq ft gross floor space |
| Automobile Sales                         | (X) | (X) | (X) | (X) | (X) | P   | (X) | P   | P   | P   |                                | 1 per 250 sq ft gross floor space + 1 per 2,000 sq ft storage area |</p>
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<td>P</td>
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<td>P</td>
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<td>P</td>
<td>1 per 250 sq ft gross floor space</td>
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<td>(X)</td>
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<td>P</td>
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<td>(X)</td>
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P = Permitted use  
S = Special exception  
R = Upon review  
(X) = Prohibited use  
(H) = Customary home application. (as added by Ord. #553, July 2009)

14-703. **Site plan checklist.** See following page. (as added by Ord. #552, July 2009)
CHECKLIST FOR SITE PLAN REVIEW

The Clinton Municipal/Regional Planning Commission meets on the second Monday of each month at 6:00 p.m. at the City Hall and is open to the public.

Submission deadline for each month’s agenda is fourteen (14) days (including weekends) prior to the scheduled meeting date.

It is the applicant’s responsibility to submit ( ) copies of the site plan to the Clinton Codes Enforcement Office for placement on the Clinton Municipal/Regional Planning Commission’s agenda. Only complete site plans with an attached checklists submitted by the deadline will be added to the agenda for review by the planning commission.

Site plan requirements are applicable to public and semi-public, commercial and industrial uses only. Copies of the site plan regulations are contained within the Clinton Zoning Ordinance and available at the Codes Enforcement Office.

CHECKLIST FOR SITE PLAN REVIEW & APPROVAL

<table>
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<th>SITE PLAN REQUIREMENTS:</th>
<th>Applicant YES-NO-N/A</th>
<th>Staff Verification</th>
<th>Staff Comments</th>
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<td>Topography of existing and proposed grades</td>
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<td>Location of floodable land</td>
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<td>Dimensions &amp; calls of property lines</td>
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<tr>
<td>North point, scale, site acreage &amp; location map</td>
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<tr>
<td>Location of existing &amp; proposed structures</td>
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<td>Vehicular &amp; pedestrian circulation plan</td>
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<tr>
<td>Open space &amp; landscaping requirements</td>
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<tr>
<td>Minimum yard requirements</td>
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<td>Compliance with sign size and placement of Section 14-309</td>
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<td>Compliance with off-street parking requirements of Section 14-302 thru 14-306</td>
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<td>Compliance with waste disposal requirements</td>
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<td>Submittal of a Site Improvements Bond (if applicable)</td>
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<td>Other applicable requirements</td>
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Is the applicant requesting any variances from the Clinton Zoning Ordinance? No ____ Yes ____
If yes, identify variance being requested. __________________________

Zoning Ordinance variances granted: (Authorized by the BZA) No ____ Yes ____ Site Plan Approval Date: ______________ Other Comments: __________________________

---

1 Requirements are applicable to public & semi-public, commercial and industrial uses as noted. Additional requirements for a specific land use are denoted. This checklist is for general reference purposes only and confirmation of specific and/or additional requirements are the responsibility of the applicant.

Submission Date: __________ Checklist Complete ____ Incomplete ____ Received By __________
Planning Commission Agenda Date: __________ Staff Reviewed Date: __________
Additional Staff Comments: __________________________
Staff Signature: ___________________
CHAPTER 8
EXCEPTIONS AND MODIFICATIONS

SECTION
14-801. Lot of record.
14-802. Adjoining and vacant lots of record.
14-803. Exceptions for carport or garage construction.
14-804. Front yards.
14-805. Exceptions on height limits.

14-801. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of the zoning regulations, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning ordinance. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible. (Ord. No. 317, sec. 2)

14-802. Adjoining and substandard lots of record. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (Ord. No. 317, sec. 2)

14-803. Exceptions for carport or garage construction. For existing housing constructed on lots of record of less than 7,500 square feet in area and on which no garage or carport currently exists, carports or garages may be constructed in rear and side yards upon the building official making the following findings:
(1) The size or shape of the lot or the location of the principal structure on the lot will not permit the construction of a carport or garage in a manner that will meet the current setback requirements of this ordinance.
(2) That the construction of a carport or garage will not have a detrimental affect on the safety of adjoining properties or damage the aesthetic character of the surrounding neighborhood.
(3) That the current setback requirements of the ordinance be followed as closely as possible, except that, no carport or garage shall be constructed less than five (5) feet from any property line unless a letter of consent first be obtained from the adjacent property owner. (Ord. No. 317, sec. 2)

14-804. Front yards. The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard
depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (Ord. No. 317, sec. 2) 14-805. Exceptions on height limits. The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys attached to residential structures. Such structures including, but not limited to monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials shall be reviewed by the planning commission prior to construction. (Ord. No. 317, sec. 2)
CHAPTER 9
ADMINISTRATION AND ENFORCEMENT

SECTION
14-901. Building permit required.
14-902. Enforcing officer.
14-903. Application for issuance of building permits.
14-904. Expiration/extension of building permit approvals.
14-905. Final site inspection/issuance of certificate of occupancy.
14-906. Violations.
14-907. Penalties.
14-908. Remedies.

14-901. Building permit required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building official has issued for such work a building permit including a statement that the plans, specifications, and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building official. (Ord. No. 317, sec. 2)

14-902. Enforcing officer. The provisions of this ordinance shall be administered and enforced by the municipal building official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property. (Ord. No. 317, sec. 2)

14-903. Application for issuance of building permits. For all multifamily residential, commercial, public, semi-public, or industrial uses, a site plan or PUD plan, whichever may be applicable, prepared in accordance with the provisions of sections 14-310, 14-311, or 14-308, shall be submitted with an application for a building permit. Building permit applications for all other uses not requiring a site plan or PUD plan shall be accompanied by a dimensioned sketch or scale plan indicating the size and shape of the lot and the location and use of any existing or proposed buildings or structures on the site. No building permit for earth moving or construction shall be issued unless all the applicable provisions of this ordinance have been met. If the request for issuance of a building permit is refused, the building official shall state the reason for his refusal in writing. (Ord. No. 317, sec. 2)
14-904. Expiration/extension of building permit approvals.

(1) Expiration of building permits. Unless provided for otherwise in this chapter, building permits, along with any sketch or site plans upon which such permit was issued, shall be null and void six (6) months from the date of issuance and/or approval if substantial progress has not been made toward completion of the development activity as it was approved. Planned Unit Developments (PUD's) shall be null and void twelve (12) months from the date of approval if substantial progress has not been made toward completion of the development activity as it was approved.

The building official may grant any number of ninety (90) day extensions to a building permit holder for a building permit, if just cause can be given to justify the extension and if progress toward completion of the project can be shown.

(2) Abandonment of permitted projects. Any project for which a building permit has been issued and where an accessory or principal building has only been partially constructed at the end of one (1) year and for which an application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of section 102.4 of the Southern Standard Building Code and any other applicable provisions of this or any other ordinance of the city. (Ord. No. 317, sec. 2; as amended by Ord. #385, § 8, Feb. 1998)

14-905. Final site inspection/issuance of certificate of occupancy. In order to ensure that a building, structure, or addition has been constructed in accordance with the approved sketch, site, or PUD plan and will be occupied by a use lawful within the zoning district in which it is located, the building official shall make a final inspection upon notification by the owner or occupant that a premises is ready to be occupied. Within three (3) working days of such application, the building official shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building official shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted. (Ord. No. 317, sec. 2)

14-906. Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and
approved pursuant to this ordinance shall be guilty of a misdemeanor. (Ord. No. 317, sec. 2)

14-907. **Penalties.** Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars ($2.00) nor more than fifty dollars ($50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. No. 317, sec. 2)

14-908. **Remedies.** In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (Ord. No. 317, sec. 2)
CHAPTER 10
BOARD OF ZONING APPEALS

SECTION
14-1001. Creation and appointment.
14-1002. Procedure.
14-1003. Appeals.

14-1001. Creation and appointment. A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Clinton Municipal/Regional Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Clinton Municipal/Regional Planning Commission. (Ord. No. 317, sec. 2)

14-1002. Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record. (Ord. No. 317, sec. 2)

14-1003. Appeals. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building official based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building official and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building official shall transmit forthwith to the board all papers constituting the record upon which the action appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney. (Ord. No. 317, sec. 2)

14-1004. Powers. The board of zoning appeals shall have the following powers:
(1) **Administrative review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building official or other administrative official in the carrying out or enforcement of any provision of this ordinance.

(2) **Special exceptions.** To hear and decide special exceptions to this ordinance. In exercising its administrative judgment, decisions shall be guided by the following:

   (a) The use is consistent with adopted plans and policies of the city;
   
   (b) The use is in harmony with the general purpose and intent of the zoning regulations;
   
   (c) The use is compatible with the character of the general neighborhood where such use is proposed;
   
   (d) The use is consistent with other permitted uses of the zoning district where such use is proposed;
   
   (e) The use will not negatively impact adjacent property by noise, lights, fumes, odors, vibration, traffic, congestion or be incompatible with other development in the surrounding area;
   
   (f) The use is not of a nature or so located as to draw substantial additional traffic through residential streets;
   
   (g) The applicant for the special exception has submitted all required documentation, in accordance with the Clinton Zoning Ordinance.

(3) **Variance.** To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted, it shall be shown that special circumstances are attached to the property which does not generally apply to other property in the neighborhood.

(4) **Interpretations/special questions.** To hear and make interpretations on disputed lot lines, district boundaries or other interpretations directly related to the official zoning map. To hear and decide on special
questions pertaining to the zoning ordinance. (Ord. #317, as amended by Ord. #558, July 2009)

14-1005. Action of the board of zoning appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building official. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance. The board will authorize the municipal building official to issue a certificate of action for variances and a special use permit for special exceptions, or uses authorized by interpretation following approval by the board, within thirty (30) days following official action taken by the board. In cases of issuance of a special use permit, all conditions imposed by the board as a basis for approval shall be confirmed before issuance of the special use permit. (Ord. #317, as amended by Ord. #558, July 2009)
CHAPTER 11
HISTORIC ZONING COMMISSION

SECTION
14-1101. Creation and appointment.
14-1102. Procedure.
14-1103. Powers and duties.
14-1104. Jurisdiction.
14-1105. Review and decisions.

14-1101. Creation and appointment. In accordance with chapter 13-7-104, Tennessee Code Annotated, a Historic Zoning Commission is hereby established. The City Council shall create a five (5) member Historic Zoning Commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; and a member of the planning commission, at the time of his appointment. The remaining members shall be appointed from the community in general. Historic Zoning Commission members shall be appointed by the Mayor of the City of Clinton and shall be confirmed by the City Council. Appointments to membership on the Historic Zoning Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. (Ord. No. 317, sec. 2)

14-1102. Procedure. The Historic Zoning Commission shall adopt by-laws which shall at least establish a regular meeting time and place, establish the manner of voting, set procedures for the recordation of procedures, and may address any additional matters relating to the conduct of the Historic Zoning Commission as the Historic Zoning Commission may deem appropriate. (Ord. No. 317, sec. 2)

14-1103. Powers and duties. The Clinton Historic Zoning Commission shall have the following powers and duties:

(1) To review all projects within any historic district that require the issuance of a permit before such projects can be lawfully commenced within the City of Clinton, and following such review grant, grant with conditions, or deny a certificate of appropriateness; and further to review any projects not requiring a permit, but which the building official has been authorized to review by the Clinton Historic Zoning Commission within its "Design Review Guidelines," and for which he has refused to issue a certificate of appropriateness, and thereafter to grant, grant with conditions, or deny a certificate of appropriateness.

(2) To adopt design review guidelines for each classification of historic district established in the City by which all projects subject to review in such
historic districts are to be reviewed in order that the building official and/or Clinton Historic Zoning Commission may make a determination as to the granting or denial of a certificate of appropriateness.

(3) To recommend to the planning commission the establishment of historic zones; and to review the recommendations of the planning commission, or any other group or person, for the establishment or change in boundaries of any historic zone. (Ord. No. 317, sec. 2)

14-1104. Jurisdiction. For the projects for which the building official is authorized to grant or grant with conditions a certificate of appropriateness, the building official shall render a decision within five (5) working days of the date on which he received sufficient data on which to make a judgement regarding the project's appropriateness. For projects which require review by the Clinton Historic Zoning Commission, and those other projects which the building official refers to it for review, the Clinton Historic Zoning Commission shall render a decision to grant, grant with conditions, or deny a certificate of appropriateness within thirty (30) days of the date of the meeting at which sufficient data is available concerning the project to make a judgement regarding its appropriateness. (Ord. No. 317, sec. 2)

14-1105. Review of decisions. Any person who may be aggrieved by any final order of judgement of the Historic Zoning Commission may have such order or judgement reviewed by the courts by the procedure of statutory certiorari, as provided for in Title 27, Chapter 8, Tennessee Code Annotated. (Ord. No. 317, sec. 2)
CHAPTER 12

AMENDMENTS

SECTION
14-1201. Procedure. The city council may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city council may introduce such amendment, or any official, board, or any other person may present a petition to the city council requesting an amendment or amendments to this ordinance. (Ord. No. 317, sec. 2)

14-1202. Approval by planning commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city council to become effective. (Ord. No. 317, sec. 2)

14-1203. Introduction of amendment. Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the city council shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the city council of the request change. Said notice shall be published in some newspaper of general circulation in the City of Clinton, Tennessee. Said hearing by the city council shall take place not sooner than fifteen (15) days after the date of publication of such notice. (Ord. No. 317, sec. 2)
CHAPTER 13

LEGAL STATUS PROVISIONS

SECTION
14-1301. Conflict with other ordinances.
14-1302. Validity.
14-1303. Effective date.

14-1301. Conflict with other ordinances. In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Clinton, the most restrictive shall in all cases apply. (Ord. No. 317, sec. 2)

14-1302. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. No. 317, sec. 2)

14-1303. Effective date. This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it. (Ord. No. 317, sec. 2)
APPENDICES
APPENDIX A

Illustration A

Illustration A goes here.
Illustration B

Illustration B goes here.
APPENDIX B

The streets and roads in the City of Clinton, Tennessee, are classified on the official Major Road Plan and for the purpose of this ordinance as follows:

**Arterial**

South Main Street (Highway 61)
Charles G. Seviers Boulevard (Highway 61)
Clinch Avenue (Highway 25W)

**Major Collectors**

North Main Street (Highway 25W)
J.D. Yarnell Industrial Parkway
Carden Farm Drive
Old 25W Highway Drive
North Market Street
Hicks Street, South Hicks Street, and North Hicks Street
East Broad Street between Charles G. Seviers Boulevard and South Hicks Street
North Eagle Bend Road
Weaver Avenue

**Local Collectors**

Christian Drive
Eagle Bend Road
Longmire Road from the city limits to Charles G. Seviers Boulevard
West Spring Avenue
Hillcrest Street
Sunset Road
Mariener Point Drive from South Main Street to Lagoon Drive
Ridgeview Drive
Lynn Street
Block House Valley Road
Lee Road
Yarnell Road

**Local Streets**

All other streets and roads in the City of Clinton, Tennessee.
(amended by Ord. #330, and Ord. #584, March 2011)
APPENDIX C

CERTIFICATE OF PLANNED UNIT DEVELOPMENT APPROVAL

We hereby certify that this Planned Unit Development (PUD) has been found to comply with the zoning and PUD regulations of the Clinton Municipal/Regional Planning Commission, with the exception of such alterations or variances, if any, as noted in the minutes of the Clinton Municipal/Regional Planning Commission and the Clinton Board of Zoning Appeals.

__________________________
Date                      Chairman Clinton Municipal/Regional Planning Commission

__________________________
Date                      Secretary Clinton Municipal/Regional Planning Commission

CERTIFICATE OF PUD APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a Planned Unit Development (PUD) shall expire twelve (12) months after the date of approval.

__________________________
Date                      Applicant

__________________________
Date                      Applicant
APPENDIX D

CERTIFICATE OF SITE PLAN APPROVAL

We hereby certify that this site plan has been found to comply with the zoning and site plan regulations of the Clinton Municipal/Regional Planning Commission, with the exception of such variances, if any, as noted in the minutes of the Clinton Board of Zoning Appeals.

__________________________
Date Chairman Clinton Municipal/Regional Planning Commission

__________________________
Date Secretary Clinton Municipal/Regional Planning Commission

CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a site plan shall expire six (6) months after the date of approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

__________________________
Date Applicant

__________________________
Date Applicant
TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

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

CHAPTER 1

GENERAL

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. Driving under the influence.
15-105. One-way streets.
15-106. Unlaned streets.
15-107. Laned streets.
15-108. Yellow lines.
15-109. Miscellaneous traffic control signs, etc.
15-110. General requirements for traffic control signs, etc.
15-111. Unauthorized traffic control signs, etc.
15-112. Presumption with respect to traffic control signs, etc.

1Municipal code reference
   Excavations and obstructions in streets, etc.: title 16, chapter 2.

2State law references
   Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.
15-113. School safety patrols.
15-114. Driving through funerals or other processions.
15-118. Projections from the rear of vehicles.
15-120. Vehicles and operators to be licensed.
15-121. Passing.
15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-123. Delivery of vehicle to unlicensed driver, etc.
15-124. Truck routes.
15-125. Truck traffic.

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. (1969 Code, sec. 9-101)

15-102. **Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1969 Code, sec. 9-106)

15-103. **Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1969 Code, sec. 9-107)


15-105. **One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1969 Code, sec. 9-109)

15-106. **Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

   (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
(b) When the right half of a roadway is closed to traffic while under construction or repair.
(c) Upon a roadway designated and sign posted by the city for one-way traffic.
(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1969 Code, sec. 9-110)

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1969 Code, sec. 9-111)

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1969 Code, sec. 9-112)

15-109. Miscellaneous traffic control signs, etc. \(^1\) It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1969 Code, sec. 9-113, modified)

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision

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\(^1\)Municipal code reference
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 9-505--9-509.
of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive.  

15-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1969 Code, sec. 9-115)

15-112. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1969 Code, sec. 9-116)

15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1969 Code, sec. 9-117)

15-114. 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. (1969 Code, sec. 9-118)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving

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1This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

2Municipal code reference

vehicle upon any street, alley, or other public way or place. (1969 Code, sec. 9-120)

15-116. **Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1969 Code, sec. 9-121)

15-117. **Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1969 Code, sec. 9-122)

15-118. **Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1969 Code, sec. 9-123)

15-119. **Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1969 Code, sec. 9-124)

15-120. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1969 Code, sec. 9-125)

15-121. **Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1969 Code, sec. 9-126)

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1969 Code, sec. 9-127, modified)

15-123. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions.

(a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile or who has been emancipated by marriage or otherwise.

(b) "Adult" shall mean any person eighteen years of age or older.

(c) "Custody" means the control of the actual, physical care of the minor, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile,
to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the city of unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city.

15-124. Truck routes. (1) For the purposes of this section a truck is defined to be any vehicle designed or operated for the transportation of property and whose gross vehicle weight exceeds 10,000 pounds.

(2) Any truck over 10,000 pounds gross vehicle weight shall be prohibited from using streets except those designated as state highway system streets.

(3) Exceptions:
   (a) The operation of trucks upon any street where necessary to the conduct of a business at a destination point within the city provided streets designated as truck routes are used until reaching the intersection nearest the destination point.
   (b) The operation of emergency vehicles upon any street in the city.
   (c) The operation of trucks owned or operated by the city, any contractor or materialman, while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.
   (d) The operation of trucks for which escort service has been arranged in advance with and provided by the Clinton Police Department.

(14-125. Truck traffic. Any truck, or other motor vehicle, with an open bed which is operated on any highway, street or road open for public use in this city which is transporting loose material shall cover such loose material in a manner that the loose material will not spill, drop off or blow away from the open bed when the vehicle is operated. Loose material includes sand, gravel, coal, rock, stone and any other material which could spill, drop off or blow away from the open bed when the vehicle is operated. Loose material shall not include materials such as sand or salt which are purposely discharged from truck beds to clear roadways of snow and ice or improve traction, and shall not include water sprayed on streets for purposes of sanitation.

The provisions of this section shall not apply to motor vehicles which transport crushed stone, fill dirt and rock, sand, soil, coal, phosphate, muck, asphalt, concrete, other building materials, forest products, unfinished lumber,
agricultural lime and agricultural products and which are loaded in compliance with the four inch (4") requirement of TCA section 55-11-109. Such exemption shall not apply to any load if any law enforcement officer sees any part of such material blowing off such vehicle. If any part of such material blows off, the operator of such vehicle may be cited for a violation of this section by the law enforcement officer who observed the incident. (as repealed and replaced by Ord. No. 276)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
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. (1969 Code, sec. 9-102)

15-202. Operation of authorized emergency vehicles.¹

(1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

consequences of his reckless disregard for the safety of others. (1969 Code, sec. 9-103)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1969 Code, sec. 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1969 Code, sec. 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
15-304. In congested areas.
15-305. In apartment complexes and parking lots.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1969 Code, sec. 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any inter-section 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. (1969 Code, sec. 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1969 Code, sec. 9-203, modified)

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 city. (1969 Code, sec. 9-204)
15-305. In apartment complexes and parking lots. It shall be unlawful for any person to operate or drive a motor vehicle through any apartment complex or parking lot at a rate of speed in excess of any posted speed limit, when such speed limit has been posted by authority of the city.

For the purposes of this section, an "apartment complex" shall be defined as two (2) or more apartment buildings located on the same tract of land when:

1. The tract of land is under one ownership.
2. Each apartment building contains four or more separate dwelling units. (as added by Ord. No. 274, modified)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

15-401. Signals. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1969 Code, sec. 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1969 Code, sec. 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1969 Code, sec. 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1969 Code, sec. 9-304)


¹State law reference
Tennessee Code Annotated, sec. 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

SECTION
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. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1969 Code, sec. 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1969 Code, sec. 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1969 Code, sec. 9-403)

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1Municipal code references
Special privileges of emergency vehicles: title 9, chapter 2.
15-504. **At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet 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 fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
4. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1969 Code, sec. 9-404)

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. (1969 Code, sec. 9-405)

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. (1969 Code, sec. 9-406)

15-507. **At traffic control signals generally.** Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. **Green alone, or "Go":**
   a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2. **Steady yellow alone, or "Caution":**
   a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   b. Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
(3) Steady red alone, or "Stop":
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:
   (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1969 Code, sec. 9-407)

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:
   (a) "Flashing red (stop signal)." When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
   (b) "Flashing yellow (caution signal)." When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
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(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code. (1969 Code, sec. 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1969 Code, sec. 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1969 Code, sec. 9-410)

¹State law reference
Tennessee Code Annotated, section 55-8-143.
CHAPTER 6
PARKING

SECTION
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Regulation by parking meters.
15-607. Lawful parking in parking meter spaces.
15-608. Unlawful parking in parking meter spaces.
15-609. Unlawful to occupy more than one parking meter space.
15-610. Unlawful to deface or tamper with meters.
15-611. Unlawful to deposit slugs in meters.
15-612. Spaces for the physically handicapped.
15-613. Emergency parking regulations.
15-615. Presumption with respect to illegal parking.
15-616. Violations and penalties.

15-601. Generally. (1) Definitions. For the purposes of this chapter, the following definitions shall apply:

(a) "Park" shall mean to stop, stand, park, or leave parked, attended or unattended, a vehicle, either motorized or non-motorized, except as otherwise provided.

(b) "Person" shall mean an individual, corporation, firm, partnership, association, organization, or any other group acting as a unit.

(c) "Vehicle" shall mean any device in, upon or by which any person or property is or may be transported or drawn, including a bicycle.

(d) "Street" shall mean the entire width between the boundary lines of any public highway, street, or other public thoroughfare maintained by the city, state, or federal government.

(e) "Parking area" shall mean any public or municipal parking lot or designated parking areas of any public building, school, park, or other public facility within this city.

1Municipal code references
Peddlers, solicitors, etc.: title 9, chapter 1.
Streets and sidewalks, etc.: section 16-101.
(f) "Private property" shall mean the premises of any shopping center, mobile home park, apartment house complex, or any other premises which are generally frequented by the public at large.

(2) It shall be unlawful for any person to park a vehicle, either attended or unattended, in violation of any provision of this chapter of this municipal code of ordinances unless otherwise herein provided. The provisions of this chapter shall apply to parking upon any street or parking area and upon the premises of any private property of any shipping center, mobile home park, apartment house complex, or any other premises which are generally frequented by the public at large.

(3) (a) No person shall park on a street when it is practicable to stop, stand, or park off the street.

(b) No person shall park a vehicle on a street so as to leave less than eighteen (18) feet of unobstructed width of the street for the free passage of other vehicles and a clear view of such vehicle shall be available from a distance of two hundred (200) feet in each direction.

(c) No person shall leave any vehicle unattended without first setting the brake thereon, stopping the motor, and removing the ignition key and, or parked upon any grade, turning the front wheels to the curb or edge of the street.

(d) Except as hereinafter provided, every vehicle parked on a street within the city shall be so parked that its right wheels are approximately parallel to and within twelve (12) inches of the right edge or curb. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within twelve (12) inches of the left edge or curb.

(e) Notwithstanding anything else in this code to the contrary, no person shall leave a vehicle parked for more than twenty-four (24) consecutive hours on a street or parking area without the prior approval of the chief of police, nor on the premises of any private property without permission of the property owner or agent thereof.

(f) No person shall leave parked a vehicle on a street or parking area after being notified to remove such vehicle upon an order or direction of a police officer, fire official, or other official responsible for enforcement of the municipal code or repair and maintenance of the streets and parking areas, nor on the premises of any private property after being notified to remove such vehicle by the property owner or agent thereof.

(g) No person shall park on private property, other than within designated parking spaces, without permission of the property owner or agent thereof.

(h) No person shall park a vehicle for the purpose of offering or displaying such vehicle for sale or trade unless upon the premises of those places doing lawful business as automobile dealerships or sellers of motor
vehicles except, if on the premises of any private property, by permission of the property owner or agent thereof.

(i) No person shall park a vehicle for the purpose of displaying advertising or commercial messages, nor for the purpose of selling, offering for sale, demonstrating, or giving away any farm produce, food, beverages, goods, or other merchandise unless otherwise provided within this municipal code except, if on the premises of any private property, by permission of the property owner or agent thereof and, then, only after being in compliance with other sections of this municipal code.

(j) No person shall park a vehicle for the purpose of occupying such vehicle for camping, temporary residence, or otherwise sleeping or residing within such vehicle unless upon the premises of those places doing lawful business as campgrounds, trailer parks, or recreational vehicle parks except, if on the premises of any private property, by permission of the property owner or agent thereof or within such areas designated for this purpose by the property owner.

(k) Furthermore, no person shall wash or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a street or parking area. (1969 Code, sec. 9-501, as replaced by ord. No. 343)

15-602. Angle parking. On those streets or parking areas which have been sign posted or indicated with pavement markings by the city for angle parking, no person shall park 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 (24) feet. (1969 Code, sec. 9-502, as replaced by ord. No. 343)

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 such space or protrudes beyond the pavement markings on the street, curb, or parking area designating such space. (1969 Code, sec. 9-503, as replaced by ord. No. 343)

15-604. Where prohibited.¹ (1) No person shall park in violation of any sign or pavement marking so placed by state or city or, if on the premises of any private property, the property owner or agent thereof which prohibits or restricts such parking or regulates the amount of time parking is allowed. The presumption shall be any such sign or pavement marking was lawfully placed by the state, city, or property owner or agent thereof.

¹Municipal code reference
Zoning and land use control: title 14, appendix B.
(2) No person shall park:
   (a) On a sidewalk or curb; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
   (b) In front of a public or private driveway or access;
   (c) Within an intersection;
   (d) Within fifteen (15) feet of a fire hydrant;
   (e) Within a pedestrian crosswalk;
   (f) Within twenty (20) feet of a crosswalk at an intersection;
   (g) Within thirty (30) feet upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a street;
   (h) Within fifty (50) feet to the nearest rail of a railroad crossing;
   (i) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance when properly sign posted or indicated by pavement markings;
   (j) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
   (k) On the roadway side of any vehicle parked at the edge or curb of a street;
   (l) Upon any bridge, or other elevated structure, or within a tunnel;
   (m) Alongside or at a curb painted red or yellow or at any place where pavement markings or signs indicate parking is not allowed;
   (n) Alongside or within a fire lane provided such fire lane has been properly sign posted or indicated by pavement markings;
   (o) On any paved shoulder which has been separated from the roadway by a solid line marked on the pavement;
   (p) Within the area between roadways of a divided highway, including crossovers or medians;
   (q) On any state or city right-of-way between the roadway curb or edge and the edge of the right-of-way;
   (r) Within the traffic lanes or upon the main traveled portion of any street classified by title 14 of this municipal code as "Level A", "Level B", or "Level C" unless as otherwise provided;
   (s) On any controlled access highway;
   (t) Within an alley or service driveway;
   (u) At any place where such parking will create a hazard or block, impede, or interfere with the normal movement of vehicles, pedestrians, or other traffic. (1969 Code, sec. 9-504, as amended by ord. No. 338 and replaced by ord. No. 343)
15-605. **Loading and unloading zones.** No person shall park for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise where so indicated by sign posting or pavement markings as a loading and unloading zone. (1969 Code, sec. 9-505, as replaced by ord. No. 343)

15-606. **Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the city, between the hours of 7:00 A.M. and 7:00 P.M., on all days except Sundays and official holidays as recognized by the city, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all parking meters were lawfully installed by the city. (1969 Code, sec. 9-506, as replaced by ord. No. 343)

15-607. **Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin or coins have been deposited in the parking meter and the said meter has been activated or placed into operation in accordance with the instructions printed thereon. Those persons authorized to park within spaces designated for the physically handicapped, as defined in section 15-612 of this code, shall be excepted from this provision and shall be allowed to park in a parking space regulated by a parking meter without depositing any coins or activating the meter. (1969 Code, sec. 9-507, as replaced by ord. No. 343)

15-608. **Unlawful parking in parking meter spaces.** (1) It shall be unlawful for any person to park in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

(2) No person shall park in such a space when the parking meter therefor indicates no parking time allowed or indicates a violation, whether such indication is the result of a failure to deposit a coin or coins or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing the coin or coins therein at the time the vehicle was parked.

(3) The provisions of this section shall not apply to persons authorized to park in spaces designated for the physically handicapped, as defined in section 15-612 of this code, who shall be allowed to park in parking meter spaces without depositing any coins or activating the meter. (1969 Code, sec. 9-508, as replaced by ord. No. 343)

15-609. **Unlawful to occupy more than one parking meter space.** It shall be unlawful for any person to park across any line or pavement marking
designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space, provided, however, vehicles which are too large to park within one space may occupy two adjoining spaces provided proper coins are placed in both meters. (1969 Code, sec. 9-509, as replaced by ord. No. 343)

15-610. **Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1969 Code, sec. 9-510, as replaced by ord. No. 343)

15-611. **Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1969 Code, sec. 9-511, as replaced by ord. No. 343)

15-612. **Handicapped parking spaces.** (1) **Definitions.** For the purposes of interpreting and enforcing this section, the following definitions shall apply:

(a) "Handicapped driver" is one who is disabled by paraplegia, amputation of leg or foot or both hands, or is disabled by loss of use of a leg, foot or both hands, or other condition, certified to by a physician duly licensed to practice medicine, resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, including impairments that, regardless of cause or manifestation, confine such person to a wheelchair or cause such person to walk with difficulty or insecurity and includes, but is not limited to, those persons using braces or crutches, arthritics, spastics and those with pulmonary or cardia ills who may be semi-ambulatory;

(b) "Handicapped driver" also includes the owner of a motor vehicle with a vision of not more than 20/200 with correcting glasses; and

(c) "Handicapped passenger" is a person who meets the requirements for handicapped drivers established in (a) and (b) above.

(d) "Handicapped parking space" is parking space clearly marked with the stylized wheelchair symbol designated and authorized by Tennessee Code Annotated, sections 55-21-105 and 106. The marking shall at a minimum include a sign on a pole. After July 1, 1991, signs designating handicapped parking shall indicate that unauthorized or improperly parked vehicles may be towed and the driver fined one hundred dollars ($100.00), and shall also provide the names and phone number of the towing company or the name and phone number of the property owner, lessee or agent in control of the property. However, nonconforming markings or signs shall be acceptable during the useful life of such markings or signs, which may not be extended by other than normal maintenance, as long as such markings or signs provide reasonable notice of the specially marked parking space.
(2) Parking in handicapped parking spaces restricted. No person shall park a vehicle of any kind or description in a handicapped parking space unless he or she meets both of the following conditions:

(a) The person driving the vehicle is a handicapped driver, or is parking such vehicle for the benefit of a handicapped passenger; and

(b) The vehicle parking in a handicapped parking space displays at least one of the three following forms of identification:

1. The distinctive license plates bearing the stylized wheelchair symbol prescribed by Tennessee Code Annotated, section 55-21-104 and officially issued by the Tennessee Department of Revenue under the authority of Tennessee Code Annotated, section 55-21-103;

2. The distinctive license plates bearing the words "Disabled Veteran" and a license number composed of the prefix "DV" and the unique identifying number, as prescribed by Tennessee Code Annotated, sections 55-21-104 and 55-4-237, and officially issued by the Tennessee Department of Revenue under the authority of Tennessee Code Annotated, section 55-21-103;

3. The distinguishing placard prescribed, and issued by the Tennessee Department of Revenue, under the authority of Tennessee Code Annotated, section 55-21-103, which shall be displayed on the dashboard of the vehicle on the driver's side.

(3) No person shall park a vehicle so that a portion of such vehicle encroaches into a handicapped parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle property parked within such handicapped parking space.

(4) No person shall park a vehicle as to block or impede access to a ramp or walkway designated for use by a handicapped person.

(5) Placard subject to confiscation. If a law enforcement officer observed a violation of subsection (2) above, the officer may confiscate the handicapped placard. To recover the placard, a driver must demonstrate by a preponderance of the evidence that he or she was in compliance with subsection (2) at the time of the confiscation. (as added by ord. No. 338 and replaced by ord. No. 343)

15-613. Emergency parking regulations. Whenever any traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, when necessary to preserve public welfare or safety, or when necessary to preserve the peace and order of the city, the chief of police is hereby authorized to post temporary signs or place temporary restrictions on parking upon any street or parking area within this city provided, however, such temporary signs or restrictions shall remain in effect only during the emergency and shall be removed thereafter. (as added by ord. No. 343)
15-614. Exceptions. (1) The provisions of this chapter shall not apply to any vehicle of the city, county, state, public utility, or agent thereof while necessarily in use for the construction or repair of the streets, parking areas, or utilities.

(2) The provisions of this chapter shall not apply to police, fire, or other emergency vehicles while necessarily in use during the execution of official duties.

(3) Any provision of this chapter may be temporarily suspended by the chief of police under conditions constituting a danger to the public welfare or safety or when necessary to preserve the peace and order of the city provided, however, such suspensions are in effect only during such emergency and shall be removed thereafter. (as added by ord. No. 343)

15-615. Presumption with respect to illegal parking. When any unattended 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 except, if the vehicle is rented or leased, such owner provides sworn evidence to the chief of police that the vehicle was, at the time of the parking violation, rented or leased to another person. In such instances, the owner of the vehicle shall, within thirty (30) days after notification of the parking violation, furnish the name, address, and driver license number of the person who rented or leased the vehicle to the chief of police. If the owner fails to provide such information within the thirty (30) day period, then the owner shall become liable for the violation. (1969 Code, sec. 9-512, as replaced by ord. No. 343)

15-616. Violation and penalties. (1) It shall be unlawful for any person to violate any provision of this chapter. Violations of this chapter shall be punished according to the general penalty provision of this municipal code of ordinances except as otherwise provided by this code.

(2) In addition, a vehicle which does not display a disabled license plate or placard as prescribed by section 15-613(2) above, and which is parked in a handicapped parking space designated with the wheelchair disabled sign, is subject to being towed or removed. When such a vehicle has been towed or removed pursuant to this paragraph, it shall be released to its owner, or person in lawful possession, upon demand, provided that such person making demand for return pays all reasonable towing and storage charges and that such demand is made during the operating hours of the towing company. (as added by ord. No. 338 and replaced by ord. No. 343)
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.
15-706. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning and continued custody of the person is not required, the name, address, driver license number, other information needed to identify such violator, the description and license number of the vehicle involved, as well as other pertinent information as may be necessary shall be taken and a written citation shall be issued to such violator containing a notice to answer to the charge against such violator in the city court at a specified time. Upon receiving the written promise of the alleged violator to answer as specified in the citation, the officer shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information pertaining to the citation. (1969 Code, sec. 9-601, as replaced by ord. No. 343)

15-702. Failure to obey citation. (1) 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 citation, regardless of the disposition of the charge for which the citation was originally issued.

(2) It shall be unlawful for any person issued a citation for illegal parking or the owner of a vehicle of which a citation for any violation of this code in respect to illegal parking was issued to fail to appear to answer the charges at the place specified in the citation or pay the required fine to the city recorder within thirty (30) days of the issuance of the citation. (1969 Code, sec. 9-602, as replaced by ord. No. 343)

¹Municipal code reference
Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.
State law reference
Tennessee Code Annotated, section 7-63-101 et seq.
15-703. **Illegal parking.** (1) Whenever a vehicle is found parked in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take the license number, vehicle description, or other pertinent information from the vehicle to identify the vehicle or its user and may issue a written citation to the driver, or if the vehicle is unattended, conspicuously affix to such vehicle the citation, giving notice of the violation for the driver and/or owner of such vehicle to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

(2) If the offense is a parking meter violation, the violator may, within thirty (30) days of receiving the citation, have the charge disposed of by paying to the city recorder a fine of ten dollars ($10.00) provided the violator waives the right to a judicial hearing. If the violator appears and/or waives the right to a judicial hearing after thirty (30) days but before a warrant is issued, the fine shall be twenty dollars ($20.00).

(3) If the offense is a fire lane parking violation of the restrictions imposed on parking at the entrance to a fire station, or a violation of the restrictions imposed on parking at a fire hydrant, the violator may, within thirty days (30) of receiving the citation, have the charge disposed of by paying to the city recorder a fine of fifty dollars ($50.00) provided the violator waives the right to a judicial hearing. If the violator appears and/or waives the right to a judicial hearing after thirty (30) days but before a warrant is issued, the fine for these offenses shall be one hundred dollars ($100.00).

(4) If the offense is a violation of the restrictions imposed on parking within spaces designated for the physically handicapped or any other provision of section 15-612 of this municipal code, the violator may, within thirty (30) days of receiving the citation, have the charge disposed of by paying to the city recorder a fine of fifty dollars ($50.00) provided the violator waives the right to a judicial hearing. If the violator appears and/or waives the right to a judicial hearing after thirty (30) days, but before a warrant is issued, the fine shall be one hundred dollars ($100.00).

(5) For other parking offenses, the violator may, within thirty (30) days of receiving the citation, have the charge disposed of by paying to the city recorder a fine of twenty dollars ($20.00) provided the violator waives the right to a judicial hearing. If the violator appears and/or waives the right to a judicial hearing after thirty (30) days, but before a warrant is issued, the fine shall be forty dollars ($40.00).

(6) The violator shall have the right to a judicial hearing in the city court upon receiving the citation for a parking violation by, within thirty (30) days of receiving the citation, giving notice to the city recorder such hearing is requested. Failure to pay the required fine or give notice of a request for a judicial hearing within thirty (30) days shall be prima facie evidence of failure to obey citation under section 15-702 of this code. If, after thirty (30) days of receiving the citation, the violator has not waived the right to a judicial hearing and paid the required fine or gave notice of a request for a judicial hearing, a
warrant for failure to answer citation may be issued for such violator. (1969 Code, § 9-704, as replaced by Ord. #343, and amended by Ord. #504, July 2006)

15-704. Impoundment of vehicles.¹ (1) Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to tow or remove any vehicle whose operator is arrested, any vehicle which is creating a hazard or blocking, impeding, or interfering with the normal movement of vehicles, pedestrians, or other traffic, any vehicle which is parked illegally with respect to a fire lane, fire hydrant, or distance from the entrance to a fire station, any vehicle parked illegally in a space designated for the physically handicapped, or any vehicle which is parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citations have been issued and the vehicle not removed.

(2) Any vehicle left parked on any street or parking area for more than twenty-four (24) hours without permission from the chief of police shall be presumed to have been abandoned and may be removed and impounded if the owner cannot be located after a reasonable investigation.

(3) Any impounded vehicle shall be stored until the owner claims such vehicle, provides proof of ownership, pays all applicable fines and costs, and pays all reasonable towing and storage charges to the towing company provided, however, such claim must be made during the operating hours of the towing company. (1969 Code, sec. 9-601, as replaced by ord. No. 343)


15-706. Deposit of driver license in lieu of bail.
(1) Deposit allowed. Whenever any person lawfully possessing a driver license theretofore issued by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a driver license for any period of time, such person shall have the option of depositing the driver license with the officer or court demanding bail in lieu of any other

¹Municipal code reference
Junked vehicles: title 13, chapter 2.
security required before appearance in the city court of this city in answer to such charge before said court.

(2) **Receipt to be issued.** The officer, or the court demanding bail, who receives any person's driver license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety and thereafter the person shall be permitted to operate a motor vehicle during the pendency of the case in which the license was deposited.

(3) **Failure to appear - disposition of license.** In the event that any driver who has deposited his driver license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, section 55-50-803 et seq. (1991 Code, sec. 15-706, as replaced by ord. No. 343)
TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS.
3. PARADES.
4. RAILROAD GRADE CROSSINGS.

CHAPTER 1

MISCELLANEOUS

SECTION
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. (1969 Code, sec. 12-801)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1969 Code, sec. 12-802)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference
Related motor vehicle and traffic regulations: title 15.
driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1969 Code, sec. 12-803)

16-104. Temporary banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city manager after a finding that no hazard will be created by such banner or sign. (1969 Code, sec. 12-805)

16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1969 Code, sec. 12-806)

16-106. 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. (1969 Code, sec. 12-807)

16-107. 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. (1969 Code, sec. 12-808)

16-108. 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. (1969 Code, sec. 12-809)

16-109. Overhead bridges, trestles, etc. It shall be unlawful for any person, firm, or corporation hereafter to construct, maintain or permit any overhead bridge, trestle or other structure on, over above or across any of the public streets or thoroughfares of the City of Clinton unless the city council has issued a permit therefor, and unless same is constructed in such a manner as to leave an unobstructed clearance space above the surface of said street or thoroughfare of at least thirteen (13) feet and unless same is so constructed that no pier, pillar or other support of such bridge, trestle or other structure will be

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1Municipal code reference
Comprehensive sign regulations: section 14-309.
placed in or on the traveled portion of such street or thoroughfare. (1969 Code, sec. 12-810)

16-110. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1969 Code, sec. 12-811)

16-111. **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.
CHAPTER 2

EXCAVATIONS

SECTION

16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Safety restrictions on excavations.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.

16-201. **Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first 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 practically 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 the permit shall be retroactive to the date when the work was begun. (1969 Code, sec. 12-101)

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 laws relating

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1 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).
to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (1969 Code, sec. 12-102)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1969 Code, sec. 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit. The deposit shall be in the sum of five hundred dollars ($500.00) if no pavement is involved or one thousand dollars ($1,000.00) 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 cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1969 Code, sec. 12-104)

16-205. Safety restrictions on excavations. 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. (1969 Code, sec. 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others 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 city 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 city, 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. (1969 Code, sec. 12-106)

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 $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1969 Code, sec. 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1969 Code, sec. 12-108)

16-209. Supervision. The person designated by 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 city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1969 Code, sec. 12-109)
CHAPTER 3

PARADES

SECTION

16-301. "Parade" defined.
16-302. Permit required.
16-303. Application for permit.
16-304. When permit to be issued.
16-305. When application to be rejected.
16-308. Notice of issuance of parade permit.
16-309. Contents of permit.
16-310. Duties of permittee; right of way for parades.
16-311. Revocation of permit.

16-301. "Parade" defined. A "parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city. (1969 Code, sec. 12-201)

16-302. Permit required. No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the city recorder. However, this chapter shall not apply to:

(1) Funeral processions.
(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.
(3) A governmental agency acting within the scope of its functions. (1969 Code, sec. 12-202)

16-303. Application for permit. A person seeking issuance of parade permit shall file an application with the city recorder on forms provided by such officer.

(1) Filing period. An application for a parade permit shall be filed with the city recorder not less than five (5) days not more than thirty (30) days before the date on which it is proposed to conduct the parade.
(2) Contents. The application for a parade permit shall set forth the following information.
   (a) The name, address and telephone number of the person seeking to conduct such parade.
   (b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the
headquarters of the organization, and the authorized and responsible heads of such organization.

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(d) The date when the parade is to be conducted.

(e) The route to be traveled, the starting point and the termination point.

(f) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles.

(g) The hours when such parade will start and terminate.

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(i) The location by streets of any assembly areas for such parade.

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(k) The interval of space to be maintained between units of such parade.

(l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city recorder a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(m) Any additional information which the city recorder shall find reasonably necessary for a fair determination as to whether a permit should be issued. (1969 Code, sec. 12-203)

16-304. When permit to be issued. The city recorder shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection for the city.

(3) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service for, areas contiguous to such assembly areas.

(4) The conduct of such parade will not interfere with the movement of fire fighting equipment enroute to a fire.

(5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
(6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay enroute.

(7) The parade is not to be held for the sole purpose of advertising any products or goods, and is not designed to be held purely for private profit. (1969 Code, sec. 12-204)

16-305. When application to be rejected. The city recorder shall act upon the application for a parade permit within two (2) days after the filing thereof. If the city recorder disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was filed, a notice of his action, stating the reasons for denial of the permit. (1969 Code, sec. 12-205)

16-306. Appeal of recorder's rejection. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within five (5) days after notice. The city council shall act upon the appeal within ten (10) days after its receipt. (1969 Code, sec. 12-206)

16-307. Alternate parade permit. The city recorder in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within three (3) days after notice of the action of the city recorder, file a written notice of acceptance with the city recorder. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter. (1969 Code, sec. 12-207)

16-308. Notice of issuance of parade permit. Immediately upon the issuance of a parade permit, the city recorder shall send a copy thereof to the following:
(1) The chief of police.
(2) The fire chief.
(1969 Code, sec. 12-208, modified)

16-309. Contents of permit. Each parade permit shall state the following information:
(1) Starting time.
(2) Minimum speed.
(3) Maximum speed.
(4) Maximum interval of space to be maintained between the units of the parade.
(5) The portions of the streets to be traversed that may be occupied by the grade.
(6) The maximum length of the parade in miles or fractions thereof.
(7) Such other information as the city recorder shall find necessary for the enforcement of this chapter. (1969 Code, sec. 12-209)

16-310. Duties of permittee; right of way for parades. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(2) Driving through parades. No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) Parking on parade route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section. (1969 Code, sec. 12-210)

16-311. Revocation of permit. The city recorder shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth. (1969 Code, sec. 13-211)
CHAPTER 4

RAILROAD GRADE CROSSINGS

SECTION
16-401. Where electrical warning devices required.
16-402. Signal to consist of light and gong.
16-403. Installation of signals.
16-404. Operation of signals.
16-405. Responsibility for signals.
16-406. Operation of trains at crossings.
16-407. Type of grade crossings required.

16-401. Where electrical warning devices required. All persons, firms, and corporations operating railroads within the corporate limits of the City of Clinton, Tennessee, shall install and maintain electrical warning devices to signal the approach of trains on all grade crossings where the railroad lines cross the following public streets in the City of Clinton, Tennessee: Market Street, Lamar Street, Leinart Street, Jarnigan Street, and Weaver Street; Park Avenue and Maire Avenue; Charles G. Seviers Blvd.; and Longmire Road. (1969 Code, sec. 12-401, modified)

16-402. Signal to consist of light and gong. At each of the above designated grade crossing the signal device shall consist of a flashing red light which shall show the word "STOP" when trains, engines, or rail cars are approaching said crossings. The said flashing light shall be of such size as to be clearly readable and legible at a distance of three hundred (300) feet. The signal device shall also cause a gong to sound concurrently with the flashing signal upon the approach of trains, engines, or cars at said grade crossings. The gong shall be clearly audible to pedestrians and vehicular traffic approaching said crossings to warn them of the approach of engines, trains, and rail cars to said crossing. (1969 Code, sec. 12-402)

16-403. Installation of signals. The warning signal devices provided for in this chapter shall be installed, operated and maintained on each side of each railroad crossing and on the right edge of the street or highway as it approaches the grade crossing. The flashing light signal and the gong shall be affixed to a metal post. The bell or gong shall be at the top of the metal post ten (10) feet above the sidewalk level. The flashing light signal shall be approximately eight and one-half (8 1/2) feet above the sidewalk level. These signals shall be located not further than fifteen (15) feet away from the nearest railroad track. In the event that it is impracticable to install the warning signal in the location as provided in this section at any of the specified crossings, the city council may authorize a different location which will efficiently protect the public in the use
of the grade crossing. Such authorization shall be in writing in the form of a resolution and placed upon the minutes of the proceedings of the city council. (1969 Code, sec. 12-403)

16-404. Operation of signals. The signal lights shall commence flashing and the gongs shall commence ringing when the lead engine, train or rail car is not closer than three hundred (300) feet from the center line of the street at the grade crossing. The lights shall continue to flash and the gongs shall continue to ring until the train, engine, or rail cars have completely cleared the grade crossing. (1969 Code, sec. 12-404)

16-405. Responsibility for signals. The installation, erection, and maintenance of the signal devices herein prescribed shall be without expense to the City of Clinton, Tennessee. The signal devices shall be installed and maintained by each railroad where its lines intersect the public streets designated above. The railroad companies shall save the City of Clinton harmless from any and all claims, suits, actions, or other costs, damages, judgments, or losses incident to, or growing out of, or in any wise connected with the erection, maintenance and operation of the signal devices and appurtenances. (1969 Code, sec. 12-405)

16-406. Operation of trains at crossings. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than ten (10) minutes except in an emergency, in which case the City of Clinton may require that the railroad train be uncoupled and separated so as to permit authorized emergency vehicles to cross the obstructed street or alley, although the obstructing railroad train may have been stopped for a period of less than the ten (10) consecutive minutes provided for herein. (1969 Code, sec. 12-406, as amended by Ord. No. 114)

16-407. Type of grade crossings required. On any grade crossing where a railroad crosses a public street within the City of Clinton which carries more than 4,500 vehicles per day, the grade crossing pad shall be constructed of heavy-duty rubber, polyethylene or similar material. The installation and maintenance of the railroad crossings herein described shall be the responsibility of each railroad, and shall be without expense to the City of Clinton. (as added by Ord. No. 268)
CHAPTER 1

STORAGE AND COLLECTION

SECTION

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1969 Code, sec. 8-101)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1969 Code, sec. 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four
(4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1969 Code, sec. 8-103)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1969 Code, sec. 8-104)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1969 Code, sec. 8-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the city manager. Collections shall be made regularly in accordance with an announced schedule. (1969 Code, sec. 8-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1969 Code, sec. 8-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1969 Code, sec. 8-108)
TITLE 18

WATER, ELECTRICITY AND SEWERS

CHAPTER
1. CLINTON UTILITIES BOARD.

CHAPTER 1

CLINTON UTILITIES BOARD

SECTION
18-102. Definitions.
18-103. Organization of board.
18-104. Organization of system.
18-106. Duties of board.
18-107. Expenditures and obligations of system.
18-109. Other employees.
18-110. General provisions.

18-101. Creation and purpose. Except as otherwise provided in the general laws of the State of Tennessee and the charter of the City of Clinton, the planning, development, production, transmission, distribution, purchase and sale of electricity and water and the collection of wastewater and other utility and comparable services provided by the City of Clinton, both within and without the limits of the city, and the agencies and facilities used for such purposes, shall be under the jurisdiction, control and management of a board to be known as the "Clinton Utilities Board," to be constituted as provided in this chapter. (1969 Code, § 14-101, as replaced by Ord. #456, Sept. 2004)

18-102. Definitions. The following terms, whenever used or referred to in this chapter, shall have the following respective meanings unless a different meaning clearly applies from the context:

1Chapters 2-5 of title 18 were repealed by Ord. #456, Sept. 2004.

2Charter reference
   Art. IX
   Municipal code references
   Building, utility and housing codes: title 12.
(1) "Board" shall mean the Clinton Utilities Board.
(2) "Charter" shall mean the charter of the City of Clinton.
(3) "City" shall mean the City of Clinton.
(4) "City council" shall mean the City Council of the City of Clinton.
(5) "Director" shall mean an individual member of the board.
(6) "Division" shall mean that part of the system that includes all of
one (1) branch of the operation of the system, such as the branch having charge
of the electric power operations or the branch having charge of the water
operations.
(7) "Mayor" shall mean the Mayor of the City of Clinton.
(8) "System" shall mean and shall include the electric system, the
water system, the wastewater system and any other system or services that the
board is authorized by law to operate or provide and which is approved by the
city council. To the full extent permitted by law, services may be provided to
customers that are not physically connected to the facilities of the system and
all such service shall be deemed to have been provided by the system. (1969
Code, § 14-102, as replaced by Ord. #456, Sept. 2004)

18-103. Organization of board. (1) Members. The board shall consist of
five directors to be appointed by the mayor with the consent and approval of a
majority of the members of the city council present and voting. One director of
the board shall be appointed from the city council for a term of office that shall
correspond with the regular term of office of the city council member appointed
as director. The remaining four directors shall be appointed thirty (30) days
prior to the expiration of the terms of office of the respective director, and all of
such appointments shall be for terms of four (4) years each, beginning July 1st
of each respective year. In the event of a failure to appoint a successor to any
director of the board, the director, whose term has expired, shall continue to
serve until his or her successor has been duly appointed as herein provided. In
the event of any vacancy in the term of a director that occurs more than three
(3) months prior to the end of such term, city council shall fill the vacancy for
the remainder of the director’s unexpired term as otherwise provided above.

(2) Eligibility. Any person who has resided within the corporate limits
of the city for a period of at least one (1) year, immediately preceding his or her
appointment, and who is an owner of real property therein, shall be eligible to
serve as a director.

(3) Compensation. Each director of the board shall be paid a monthly
allowance for attendance at regular meetings of the board that shall not exceed
the monthly compensation paid by the city to members of city council, and which
shall be fixed from time to time by resolution of the board, to take effect when
the next full term of a director begins following the passage of such resolution.
In addition thereto, each director shall be reimbursed for all necessary travel
and other authorized expenses incurred while engaged in the business of the
board in accordance with the travel policies established from time to time by the city.

(4) Board officers. The board shall elect from among its members a chair who shall preside over the meetings of the board, a vice-chair who shall sit for the chair during the chair's absence or disability and such other officers as the board deems necessary. The board may also appoint a secretary who is an employee of the system and who shall serve at the will of the board. The secretary shall keep the minutes of the meetings of the board and shall perform such other duties as the board may prescribe. An election of officers of the board shall be held each year at a regular meeting of the board following the appointment of a director for a full term, but not later than the second regular meeting following such appointment. A director holding an office provided for in this paragraph shall hold office until such officer's successor has been elected, or until such officer ceases to be a director. In the event of any vacancy of an elected office during a director's term, the board may hold an election to fill the vacancy at any regular meeting of the board.

(5) Bylaws. The board shall have the right to adopt bylaws consistent with the provisions of this chapter.

(6) Meetings. The board shall hold regular monthly meetings at such time and place as may be established by resolution of the board or in accordance with the board's bylaws. All meetings of the board shall be open to the public except as otherwise permitted by law. Special meetings can be held as needed following appropriate notice as is required by law. No action shall be taken by the board except by the affirmative vote of at least three directors. Three directors shall constitute a quorum of the board, but a smaller number may adjourn from day to day. The general manager shall be allowed to attend all meetings of the board and shall have a seat and voice but no vote in such meetings. Except as otherwise expressly provided by this chapter, action by the board may be by motion or by resolution passed on a single reading and may be made effective immediately upon passage. (1969 Code, § 14-103, as replaced by Ord. #456, Sept. 2004)

18-104. Organization of system. The board shall adopt and implement an organizational structure for the system to ensure its efficient and effective management. The subdivision of such structure, the detailed separation of duties within the structure and the creation of subordinate offices and positions within the structure shall be as required by the board. The board may alter the system's organization structure as necessary or convenient provided such changes do not violate any general laws, the charter or any of the system's contractual obligations. (1969 Code, § 14-104, as replaced by Ord. #456, Sept. 2004)

18-105. Powers of board. (1) Independent control. Except as expressly provided in this chapter, the board shall have and exercise and is hereby
granted all the powers and duties possessed by the city to construct, acquire, expand or operate the system. The board, either by itself or by its duly authorized officers and employees, shall have and maintain full control and complete jurisdiction over the management and operation of the system and may make all contracts and do any and all acts and things that are necessary, convenient or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, economic and business-like administration of the system. The control, supervision and management of the system shall, without limitation, be such as is provided by this chapter, the charter and the general laws of the State of Tennessee. Except as expressly provided in this chapter, the system shall be free from the jurisdiction, direction or control of other city officers and employees and of the city council.

(2) **Contracts and suits.** The board or its authorized representative may sue and be sued in the name of the city or the board, and may make contracts and incur liabilities in the name of the board.

(3) **Surety bonds.** The board may require corporate surety bonds from such of the system's officers and employees and in such amounts, as the board shall deem necessary. Premiums for such bonds shall be paid out of the funds of the system.

(4) **Rates.** The board shall fix rates to be charged for services rendered by the system. Such rates shall be fair, reasonable and uniform for all customers in the same class, but different rate schedules may be applied to different classes of customers, as determined by the board. This paragraph shall also apply to rates charged by subsidiaries that may be acquired or organized by the board.

(5) **Contracts, leases and agreements.** The board may, in the operation of the system, either by itself or by its duly authorized officers and employees, execute deeds and enter into leases, contracts and agreements, provided the terms of such leases, contracts and agreements shall be limited to the terms of not more than twenty-five (25) years. The time limit prescribed in this paragraph for the duration of contracts and agreements shall not apply to bond issues. The authority given the board by this section shall not be construed to give the board authority to sell or lease all or a major part of any division of the system.

(6) **Bonds and notes.** The board shall have the power to issue bonds or notes for the benefit of the system or a part thereof when such authority is granted to the board by state law, the charter or by resolution or ordinance of city council. All bonds or notes payable out of the revenues of the system or a part thereof shall be issued in accordance with the requirements of applicable law and shall be approved by a resolution or resolutions of the board, which may be adopted at the same meeting at which introduced and shall take effect immediately upon adoption.

(7) **Rules and regulations.** The board shall have authority to make and enforce all necessary and desirable rules and regulations for the efficient use,
operation and management of the system and shall have the same force and effect as if approved by city council.

(8) **Joint use of poles and other property.** The board shall have the power to make agreements or contracts with any person, firm or public or private corporation for the joint use of poles and other property, belonging either to the system or such other person, firm or corporation or belonging jointly to both parties.

(9) **Eminent domain.** The board shall have the same power and authority to exercise the right of eminent domain on behalf of the system as is now possessed by, or may hereafter be given to, the city council.

(10) **Use of rights of way for utility installations.** The board may use the ground over, under, or along any road, railway, highway, street, sidewalk, thoroughfare, alley, waterway or similar rights of way in the operations of the system, but shall in all cases and subject to the applicable general regulations of the city and state cause the surface of the public way to be restored to its usual condition if damaged by such use.

(11) **Procurement.** The board shall have the power to adopt rules and regulations governing purchasing for the system, which shall require competition and advertising, when practical. In lieu of adopting competitive purchasing rules or regulations, the board may elect to use the competitive bidding and purchasing procedures used by the city.

(12) **Security for service charges.** The board shall have the right to require reasonable deposits or other security for the payment of charges for services rendered by the system. By and with the consent of the owner of the property served by the system, the board may make such charges for services rendered by the system a lien on the real property served.

(13) **Promotion and informational expenditures.** The board shall have the power to authorize reasonable expenditures for advertising and otherwise promoting the increased use of the services of the system. The board may also authorize reasonable expenditures to acquaint the public and its customers with the policies, operations, programs and plans of the system.

(14) **Discontinuance of service for nonpayment of charges.** The board may discontinue all services of the system to any customer whenever such customer fails to pay for any service of the system. All such discontinuances shall be conducted in accordance with the board's rules and regulations therefore and any applicable law.

(15) **Acquisitions; subsidiaries.** To further the purposes of § 18-101, the board is authorized and empowered to acquire the systems of other municipalities, utility districts, corporations or other entities by merger, acquisition or other lawful means. The board may exercise any of the powers conferred upon it under this chapter through one or more subsidiary corporations or other entities that may be organized or acquired in accordance with applicable law. Each such subsidiary shall be subject to the control of the board. All rates for services charged by any such subsidiary shall be approved
by the board and shall be sufficient to pay all expenses and obligations incurred on account of the operation of such subsidiary.

(16) **Delegation of powers.** The board may from time to time delegate in writing its administrative, financial and operational powers to the officers, employees and agents of the system responsible to it as necessary to properly discharge its duties and operate the system.

(17) **Other powers.** The board shall also have such additional powers that are now authorized by law, or which may be authorized by state law in the future; and the enumeration of particular powers in this chapter shall not be construed to be exclusive. (as replaced by Ord. #265, ______, and Ord. #456, Sept. 2004)

18-106. **Duties of board.**  
(1) **Separate accounts for separate divisions of the system.** The board shall require that separate books and accounts be kept on the electric, the water, the wastewater, and any other division created by the board so that such books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds so that each division shall be self-sustaining. Each of the system's divisions shall be operated independent of the others except insofar as the board may be of the opinion that joint operations shall be advisable and economical. In the event of such joint operations, the expenses of such operations shall be prorated between the separate divisions in such manner as the board determines to be reasonable.

(2) **Use of utility funds.** All utility revenues shall be directed to the provision of utility services and not applied to the general fund of the city, unless the transfers of revenues constitutes a payment in lieu of taxes as authorized under this chapter or by state law. Any shared utility or city funds or services shall be accounted for properly.

(3) **Annual budget.** The board shall no later than the 1st day of June of each year prepare a budget for the proposed operation of the system for the following fiscal year. The budget shall present an estimate of the revenues to be derived from all sources, an estimate of expenses for power costs, salaries and wages, advertising, supplies and inventory, and other items of expenses in as much detail practicable; an estimate of proposed expenditures for extending and repairing services and other capital costs and expenditures; and an estimate of in lieu of tax payments.

(4) **Auditing.** An independent certified public accountant, not an employee of the city or the system, shall be employed by the board to make an annual audit of the system and such other audits and reports as the board may deem necessary. The board shall provide a copy of the system's annual audit to the city for public inspection.

(5) **Sufficient rates.** The board shall charge sufficient rates for each of its operating divisions to pay all obligations heretofore or hereafter incurred by the city or the board on account of the ownership and operation respectively
of each operating division, including all legal claims or judgments for which the city or the board has heretofore been, or may hereafter be, liable on account of the ownership and operation of the operating division, and including the payments to the city in lieu of taxes as provided in this chapter. Such obligations, whether in the form of bonds or otherwise, shall be provided for in the respective budgets of the respective operating division and need not be included in the general city budget.

(6) Payments in lieu of taxes on electric properties. From the separate revenues of the electric division, the board shall pay payments in lieu of taxes for its electric properties into the general fund of the city in such amounts as may be required by state law, and may make additional such payments to other governmental jurisdictions where the electric properties are situated when authorized by city council and subject to the requirements of state law.

(7) Retirement system. The board may elect to create or administer a pension plan for employees of the system that is separate and apart from any retirement plan maintained by the city.

(8) Payment of obligations. The board shall cause to be paid as the same come due, all obligations arising or resulting from its or the city's ownership and operation of the system. (1969 Code, § 14-106, as replaced by Ord. #456, Sept. 2004)

18-107. Expenditures and obligations of the system. No money shall be drawn from the treasury of the system nor shall any obligation for the expenditure of money be incurred except in pursuance of appropriations made by the board, and each such appropriation shall constitute authority for the system to make the expenditure and/or incur the obligation so approved. Any obligation incurred or created solely by a division of the system shall be payable only out of the revenues of such division. Obligations incurred or created jointly on account of the electric and of the water and of the wastewater divisions shall be paid from the revenues of the system. All contracts and agreements made by the board or pursuant to authority granted by the board shall contain a provision stating the revenues from which the obligations incurred thereunder are payable, but the failure to include such a provision in any contract shall not prevent the application of the limitation on the system's or city's liability imposed by this paragraph. (as replaced by Ord. #211, _____, and Ord. #456, Sept. 2004)

18-108. General manager. The board shall appoint a general manager of the system who shall have the executive ability and experience necessary to perform the duties of the chief executive officer of the system. The general manager shall be responsible to the board and shall serve at the will of the board. The powers and duties of the general manager shall include:

(1) Executing all resolutions of the board.
(2) Appointing and removing all subordinate officers and employees of the system.
(3) Exercising control over the system and all divisions and operations thereof created under this chapter, or that may hereafter be created by the board, subject to the requirements of this chapter, the charter and other applicable law.
(4) Carrying out and enforcing all contracts of the system for the benefit of the system and its customers.
(5) Attending all meetings of the board with the right to take part in the discussion but having no vote.
(6) Recommending to the board for adoption such measures as the general manager may deem necessary or proper.
(7) Keeping the board advised as to the financial condition and the future needs of the system and preparing and submitting to the board the annual budget estimate.
(8) Performing such other duties as are customarily performed by the chief executive officer or a corporation and as may be prescribed by this chapter or be required of the general manager by general law or by resolution of the board. (1969 Code, § 13-108, as replaced by Ord. #456, Sept. 2004)

18-109. Other employees. There shall be such other officers and employees of the system as may be provided by the board. The officers and employees shall be appointed and removed by the general manager subject to the provisions of applicable law. (1969 Code, § 13-109, as replaced by Ord. #456, Sept. 2004)

18-110. General provisions. (1) Existing obligations. This chapter shall not impair any contracts or obligations relating to the system incurred by the city or the board prior to the effective date of this chapter nor shall it change or alter the obligations of any existing contracts obligating the system, all of which insofar as they apply to the system, shall be binding on the board.
(2) Repeal of prior ordinances. All ordinances and parts of ordinances inconsistent with any provision of this chapter are deemed repealed.
(3) Separability of provisions. The sections and subsections of this chapter are declared to be separate, and in the event any one or more sections, subsections, or parts thereof are declared unconstitutional, it shall not affect the validity of other provisions of this chapter. (as added by Ord. #456, Sept. 2004)
Chapter 1 (Electricity) of title 19 was repealed by Ord. #456, Sept. 2004 and chapter 2 (Gas) was renumbered accordingly.

Municipal code reference
Plumbing and gas codes: title 12.

For the current gas franchise, see the ordinance dated December 8, 1962, of record in the city recorder’s office.
TITLE 20

MISCELLANEOUS

CHAPTER 1

CABLE TELEVISION

SECTION 20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Cable television shall be furnished to the City of Clinton and its inhabitants under franchise granted to by the City Council of the City of Clinton, Tennessee. The rights, powers, duties and obligations of the City of Clinton and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.

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1 Municipal code reference
   Regulation of businesses: title 9.

2 For complete details relating to the cable television franchise agreement see Ords. #232 and 455 in the office of the city recorder.
AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF CLINTON, TENNESSEE.

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

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

WHEREAS the City Council of the City of Clinton, 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 "Clinton Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF CLINTON AS FOLLOWS:

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 "Clinton 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.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section 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 indebtedness; any contract or obligation assumed by or in favor of said city; 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 ordinance annexing territory to the city or amending its zoning map; any ordinance establishing and otherwise providing for the operation and administration of a port authority; or any ordinance establishing water or sewer rate schedules.

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

Section 5. Penalty clause. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than five hundred dollars ($500.00) and costs for each separate violation, unless otherwise provided by the municipal code, by ordinance, or by state law. However, the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed by state law for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code shall constitute a separate offense. (as amended by ord. No. 342)

Section 6. Code as evidence. Any printed copy of the municipal code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

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1 See Article VIII of the charter.

2 For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-3201 et seq.
Section 7. 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 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The governing body, 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 9. 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 10. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.
Section 11. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.


[Signature]
Mayor

[Signature]
Recorder