

**THE
GORDONSVILLE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

November 2011

TOWN OF GORDONSVILLE, TENNESSEE

MAYOR

James M. Gibbs

VICE MAYOR

Martha Geldreich

ALDERMEN

Homer Agee
David Blessman
Starla Pitt
Barbara Vantrease

TOWN CLERK

Staci Bellar

RECORDER

Corinne Miller

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Stephanie Allen
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER

1. All legislative acts of the board shall be in ordinance form and shall be considered and adopted on two (2) separate days. Any other form of Board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the Aldermen. All ayes and nays on all votes on all forms of board action shall be recorded. (charter section 9)

2. ...No ordinance shall become a law unless the same shall have passed two (2) separate readings on two (2) separate days by a majority vote of the Board, unless by unanimous consent of the Board earlier action is deemed necessary, and unless the same shall have been signed by the mayor, unless he fails to veto the same by the next regular meeting. In case of such failure, the same shall become a law without his signature... (charter section 11)

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at a time and place to be determined by the board of mayor and aldermen.

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

¹Charter references

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

Municipal code references

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

²Charter references

Aldermen; compensation: § 14.
Aldermen; oath of office: § 6.
Aldermen; eligibility: § 5.
Elections: § 5.
Regular meetings: § 10.

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Approval of minutes of the previous meeting.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

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

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties of mayor.

1-202. Executes town's contracts.

1-201. Duties of mayor. The mayor shall perform such duties as provided by the charter and any ordinances duly enacted by the board of mayor and aldermen consistent with the charter.

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

¹Charter references

Compensation: § 14.

Duties: § 11.

Eligibility: § 5.

Oath of office: § 6.

Vacancy in office: § 12.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen.

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter reference
Recorder: § 15.

CHAPTER 4

CODE OF ETHICS¹

SECTION

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

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

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

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

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

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

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

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

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

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations 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 town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(3) 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.

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

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3**MUNICIPAL COURT****CHAPTER**

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

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

- 3-101. Town judge.
- 3-102. Appointment and qualifications.
- 3-103. Jurisdiction.

3-101. Town judge. The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge.

3-102. Appointment and qualifications. (1) Appointment. The town judge designated by the charter to handle judicial matters within the town shall be appointed by the mayor, subject to confirmation by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the town judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the town judge.

(2) Qualifications. The town judge shall be a minimum of twenty-five (25) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Smith County. If the town judge for any reason removes his domicile from Smith County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of town judge.

(3) Judge pro tem. During the absence of the town judge from his duties for any reason or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro tem to serve until the town judge returns to his duties or the office of town judge is no longer vacant. The town judge pro tem shall have all the qualifications required, and powers, of the town judge.

3-103. Jurisdiction. The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish

persons convicted of such violations by levying a fine or civil penalty under the general penalty provision of this code.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Contempt of court.

3-201. Maintenance of docket. The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of penalties and costs. All penalties and costs shall be imposed and recorded by the town judge on the town court docket in open court. In all cases heard and determined by him, the town judge shall impose court costs in the amount of one hundred dollars (\$100.00). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the town judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year.

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00) or such lesser amount as may be imposed in the judge's discretion.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

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

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

¹State law reference

Tennessee Code Annotated, § 16-18-307.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. (1) Deposit allowed.

Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the town court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq.

3-402. Appeals. Any person dissatisfied with any judgment of the town court against him may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.¹ "Person" as used in

¹State law reference

Tennessee Code Annotated, § 27-5-101.

this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

3-403. Bond amounts, conditions, and forms. (1) Appearance bond. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place.

(2) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(3) Form of bond. 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.

(4) Pauper's oath. A bond is not required provided the defendant/appellant:

- (a) Files the following oath of poverty:
I do solemnly swear under penalties of perjury, that
owing to my poverty, I am not able to bear the
expense of the action which I am about to commence,
and that I am justly entitled to the relief sought, to
the best of my belief;
- (b) Files an accompanying affidavit of indigence.

TITLE 4**MUNICIPAL PERSONNEL**¹**CHAPTER**

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. VACATIONS AND SICK LEAVE.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. EMPLOYEE DRUG POLICY.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****SECTION**

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1994 Code, § 4-101)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1994 Code, § 4-102)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

¹The personnel manual for the Town of Gordonsville (and any amendments) may be reviewed in the office of the recorder.

and shall be paid over to the state or federal agency designated by said laws or regulations. (1994 Code, § 4-103)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1994 Code, § 4-104)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1994 Code, § 4-105)

CHAPTER 2

VACATIONS AND SICK LEAVE

SECTION

4-201. Applicability of chapter.

4-202. Vacation leave.

4-203. Holidays.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except as may be specifically exempted. (1994 Code, § 4-201)

4-202. Vacation leave. The mayor and board of aldermen shall have the authority to fix vacation or leave of absences for employees. The mayor may, in his discretion, designate a day off or otherwise authorize an employee to be absent from work on any particular day. (1994 Code, § 4-202)

4-203. Holidays. The mayor and board of aldermen shall designate legal holidays to be observed by employees. (1994 Code, § 4-203)

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

4-301. Business dealings.

4-302. Strikes and unions.

4-303. Nepotism policy.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1994 Code, § 4-301)

4-302. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1994 Code, § 4-306)

4-303. Nepotism policy. (1) It is the policy of the Town of Gordonsville that immediate family will not be employed in regular full-time or regular part-time positions where:

(a) One (1) relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other; or

(b) One (1) relative would be responsible for auditing the work of the other; or

(c) Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the town's interest and their own.

(2) Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or members of either sex.

The exclusion should be limited to the job, work crew, shop or unit where the reason for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force.

(3) When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to determine which spouse shall keep the job.

The town shall require one (1) spouse to quit sixty (60) days after marriage if they become in violation of this section and a mutually agreeable solution cannot be reached between the town and the employees.

(4) Immediate family should include spouse, child, step-child, parent, parents-in-law, brother, brothers-in-law, sister, sisters-in-law, grandparent(s), daughters-in-law, sons-in-law, or grandchildren.

This section shall also apply to persons related by blood or marriage residing in an employee's home. (Ord. #08-08-11, Oct. 2008)

CHAPTER 4

EMPLOYEE DRUG POLICY

SECTION

- 4-401. Definitions.
- 4-402. Regulations.
- 4-403. Restrictions.
- 4-404. Procedures.
- 4-405. Education and training.
- 4-406. Compliance.
- 4-407. Exceptions.

4-401. Definitions. (1) "BAL." Breath Alcohol Level.
(2) "CDL." Commercial Drivers License.
(3) "DHHS." Department of Health and Human Services.
(4) "DOT." Department of Transportation.
(5) "EAP." Employee Assistance Program.
(6) "EBT." Evidential Breath Testing.
(7) "Employee." Individual employed on a full-time, part-time, or temporary basis.
(8) "ID." Legal identification.
(9) "MRO." Medical Review Officer.
(10) "NHTSA." National Highway Traffic Safety Administration.
(11) "OTC." Over the counter.
(12) "SAP." Substance Abuse Professional.
(13) "TDOT." Tennessee Department of Transportation.
(14) "Volunteer." Any individual representing the Town of Gordonsville in an official capacity regardless of compensation. (Ord. #04-03-08, May 2004)

4-402. Regulations. (1) Compliance with this substance abuse policy is a condition of employment or being a volunteer representing the Town of Gordonsville.

(2) The use of drugs by employees/volunteers of the Town of Gordonsville and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated and may result in termination of employment.

- (3) This chapter shall apply to any:
- (a) Full-time employees;
 - (b) Part-time employees;
 - (c) Temporary employees;
 - (d) Volunteers; and
 - (e) Applicants.

(4) In order to provide a safe, healthy, productive and drug free working environment for its employees to properly conduct public business, the Town of Gordonsville policy complies with the following:

(a) Federal highway administration rules which require drug and alcohol testing for persons required to have a commercial driver's license;

(b) Division of transportation rules which include procedures for urine drug testing and breath alcohol testing; and

(c) Omnibus Transportation Employee Testing Act of 1991 regulations which requires alcohol and drug testing of safety sensitive employees with the additional requirement of using the "split specimen" approach to drug testing, providing an extra safeguard for employees.

(5) In order to educate the employees about the dangers of drug and alcohol abuse, the Town of Gordonsville shall sponsor an informational education program for all employees which will include:

(a) Signs and symptoms of drug and/or alcohol abuse;

(b) Effects of drug and/or alcohol abuse on an individual's health, work and personal life;

(c) Policy regarding drugs and/or alcohol abuse; and

(d) Availability of counseling.

(6) This policy does not preclude the appropriate use of illegally prescribed medication if:

(a) The employee's use of the medication does not adversely affect the mental, physical or emotional ability of the employee to safely and efficiently perform their duties; and

(b) The employee informs the mayor, or designee, of their use of such legally prescribed medication before the employee goes on duty or performs any work.

(7) The mayor, or designee of the mayor, shall be designated as the municipal official responsible for answering questions regarding this policy and its implementation. (Ord. #04-03-08, May 2004)

4-403. Restrictions. (1) The failure or refusal by an applicant, volunteer or employee to cooperate fully by signing necessary consent forms or other required documents or the failure and/or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for immediate termination.

(2) The use of drugs by employees of the Town of Gordonsville and impairment in the workplace due to drugs and/or alcohol are:

(a) Prohibited and will not be tolerated; and

(b) May lead to termination of employment.

(3) Engaging in prohibited and/or illegal conduct may lead to termination of employment by:

- (a) Being on duty or performing work in/on town property while under the influence of drugs and/or alcohol; or
 - (b) Engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time; or
 - (c) Engaging in the use of alcohol while on duty or while in/on town property and the manufacture, sale or distribution of alcohol; or
 - (d) Refusing or failing a drug and/or alcohol test administered under this policy; or
 - (e) Providing an adulterated, altered or substituted specimen for testing; or
 - (f) Use of alcohol within four (4) hours prior to reporting for duty on scheduled days or use while in on-call status; or
 - (g) Use of alcohol or drugs within eight (8) hours following an accident/incident if the employee's involvement has not been discounted as a contributing factor in the accident/incident or until the employee has successfully completed drug and/or alcohol testing procedures.
- (4) All property of the Town of Gordonsville shall be subject to inspection at any time, without notice, with no expectation of privacy in such property. Property includes, but is not limited to:
- (a) Vehicles;
 - (b) Desks, credenzas, etc.;
 - (c) Containers, bags, etc.;
 - (d) Files, cabinets, etc.;
 - (e) Lockers, equipment, etc.;
 - (f) Buildings, sheds, etc. (Ord. #04-03-08, May 2004)

4-404. Procedures. (1) The failure or refusal by an applicant, volunteer or employee to cooperate fully by signing necessary consent forms or other required documents or the failure and/or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for immediate termination.

(2) The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for immediate termination.

(3) The following rules governing the Drug and Alcohol Testing Program for the Town of Gordonsville are:

- (a) Town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician and/or OTC medications and shall notify the proper personnel before the employee goes on duty.
- (b) Any employee convicted of violating a criminal drug and/or alcohol statute shall inform the mayor, or his designee, of such conviction, including pleas of guilty or nolo contendere, within five (5) days of the conviction.

(c) Failure to comply by informing the town subjects the employee to disciplinary action up to, and including, termination for the first offense.

(d) Notification will be made to the federal contracting officer pursuant to applicable provisions of the Drug Free Workplace Act and the Omnibus Transportation Employee Testing Act.

(e) The types of tests required are:

- (i) Pre-employment;
- (ii) Transfer;
- (iii) Reasonable suspicion;
- (iv) Post accident/incident;
- (v) Random;
- (vi) Return-to-duty; and
- (vii) Follow-up.

(4) Prior to a drug/alcohol test being administered, employees, volunteers and applicants shall be asked to sign a consent form authorizing the test and permitting release of test results from the laboratory to the MRO, or designee.

The consent form shall set forth the following information:

(a) Acknowledgment by the employee they have been notified of the town's drug and alcohol testing policy;

(b) The procedure for confirming and verifying an initial positive test result;

(c) The consequences of a verified positive test result;

(d) The consequences of refusing to undergo a drug and/or alcohol test; and

(e) Provide authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol were present in the employee's system.

(5) A current valid photo ID must be carried and presented to appropriate personnel during testing.

Failure to present a photo ID is equivalent to refusing to take the test.

(6) Employees, volunteers and applicants may be required to submit to drug testing under six (6) separate conditions:

(a) Types of tests. (i) Pre-employment. All applicants for employee status for positions who have received a conditional offer of employment or acceptance as a volunteer with the Town of Gordonville must take a drug test before receiving a final offer of employment or acceptance.

(ii) Transfer. Employees transferring to other departments shall undergo drug testing.

(iii) Post-accident/post-incident testing. Following any workplace accident/incident determined by supervisory personnel of the Town of Gordonsville to have resulted in property,

environmental damage or in personal injury, including but not limited to, a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident/incident or cannot be discounted as a contributing factor to the accident/incident and who is reasonably suspected of possible drug use as determined during a routine post-accident/post-incident investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident/post-incident drug test.

Post-accident/post-incident testing shall be carried out within twenty-four (24) hours following the accident/incident.

Urine collection for post-accident/post-incident testing shall be monitored or observed by same gender collection personnel at the established collection site(s).

In instances where post-accident/post-incident testing is to be performed, the Town of Gordonsville reserves the right to direct the MRO, or his/her designee, to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

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

(A) Post-accident/post-incident testing for ambulatory employees or volunteers. Following all workplace accidents/incidents where drug testing is to be performed, unless otherwise specified by the MRO, or designee, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Gordonsville to the designated urine specimen collection site within twenty-four (24) hours following the accident.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident/post-incident testing.

Any delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Gordonsville and shall result in administrative action up to, and including, termination of employment.

(B) Post-accident/post-incident testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for drug testing by attending

qualified, licensed medical personnel and consent to the testing of the specimens.

Consent shall be given for the attending medical personnel and/or medical facility, including hospitals, to release to the MRO, or designee, of the Town of Gordonsville appropriate and necessary information or records that would indicate whether or not specified prohibited drugs, and what amounts, were found in the employee's system.

Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Gordonsville, or upon hiring following the implementation date.

In the case of post-accident/post-incident unconscious, seriously injured or hospitalized employees unable for urinary testing, certified and/or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system only by use of an accepted method for collecting specimens.

Any failure to do post-accident/post-incident testing within twenty-four (24) hours must be fully documented by the attending medical personnel.

(iv) Reasonable suspicion. A drug test is required for each employee or volunteer where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs based upon recent physical, behavioral or performance indicators of possible drug use.

Supervisory personnel of the Town of Gordonsville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the MRO, or designee, within twenty-four (24) hours of the decision to test and before the results of the urine drug tests are received by the department.

Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

(v) Random testing. It shall be the policy of the Town of Gordonsville that all employees and volunteers are subject to random urine drug testing.

A minimum of fifteen (15) minutes and a maximum of one (1) hour will be allowed between notification of an employee's

selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency for an indeterminate number of employees and/or volunteers.

Random donor selection means some employees may be tested more often while others may not be tested at all.

(vi) Return-to-duty and follow-up. Any employee of the Town of Gordonsville, who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test.

Follow-up tests will be unannounced and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to work, extending for up to sixty (60) months following return-to-duty.

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

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six (6) months.

(b) Prohibited drugs. All drug results will be reported to the MRO, or designee. The following is a list of drugs for which tests will be routinely conducted:

- (i) Amphetamines;
- (ii) Marijuana;
- (iii) Cocaine;
- (iv) Opiates;
- (v) Phencyclidine (PCP);
- (vi) Alcohol; and
- (vii) Depressants.

(7) Drug testing collection procedures. (a) Testing will be accomplished as non-intrusively as possible.

(b) Affected employee will be taken by a supervisor, or designated personnel of the Town of Gordonsville, to a drug test collection facility selected by the Town of Gordonsville where a urine sample will be taken from the employee and/or volunteer.

(c) The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution.

(d) The sample will be placed in a secure mailing container.

(e) The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Gordonsville to perform the analysis on collected urine samples.

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

(b) In the event of an accident/incident occurring after regular work hours, the supervisor, or designated personnel, shall take the employee(s) to the testing site within twenty-four (24) hours where proper collection procedures will be administered.

(c) The Omnibus Act for holders of a CDL requires that drug testing procedures include split specimen procedures that state:

(i) Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen;

(ii) Both bottles are sent to a laboratory;

(iii) Only the primary specimen is opened and used for the urinalysis;

(iv) The split specimen bottle remains sealed and is stored at the laboratory;

(v) If the analysis of the primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal DHHS certified laboratory for analysis;

(vi) The employee will be required to pay for his/her split specimen test(s).

(d) For the employee's protection, the results of the analysis will be confidential except for the testing laboratory until the MRO, or designee, has evaluated a positive test result; and

(e) The mayor and employee will be notified.

(9) Reporting and reviewing. (a) The Town of Gordonsville shall designate a Medical Review Officer (MRO) to receive report and file testing information transmitted by the laboratory.

(b) The Town of Gordonsville shall designate a licensed physician with knowledge of substance abuse disorders.

(i) The laboratory shall report test results only to the designated physician who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Gordonsville.

(ii) Reports from the laboratory to the designated physician shall be in writing or by fax.

(c) The designated physician may talk with the employee by telephone upon exchange of acceptable identification.

(d) The testing laboratory, collection site personnel, and designated physician shall maintain security over all the testing data and limit access to such information to the following:

(i) Applicable department head;

(ii) Employee; and

(iii) Mayor, or designee.

(e) Neither the Town of Gordonsville, the laboratory, nor the designated physician shall disclose any drug test results to any other person except under written authorization for the affected employee, unless such results are necessary in the process of:

(i) Resolution of accident/incident investigations requested by court order; or

(ii) Required to be released to parties (i.e., TDOT, DOT, Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the town attorney.

(10) Alcohol testing. (a) All breath alcohol testing conducted for the Town of Gordonsville shall be performed using Evidential Breath Testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

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

(i) Step one. An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA).

(A) If the measured result is less than 0.02 percent Breath Alcohol Level (BAL), the test shall be considered negative.

(B) If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed and the test shall proceed to step two.

(ii) Step two. (A) Fifteen (15) minutes shall be allowed to pass following the completion of step one above.

(B) Before the confirmation test, or step two, is administered for each employee, the breath alcohol technician shall ensure that the evidential breath testing device registers 0.00 on an air blank.

(1) If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank.

(2) If the second reading is greater than 0.00, testing shall not proceed using that instrument, but proceed on another instrument reading 0.00 on an air blank.

(3) Step one shall be repeated using a new mouthpiece and either the same or equivalent, but another, BAD.

(4) The BAL detected in step two shall be recorded and witnessed.

(C) If the lower or the breath alcohol measurements in step one and step two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test.

(D) Failure of the BAT shall result in administrative action by proper official of the Town of Gordonsville, up to and including termination.

(E) Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of twenty-four (24) hours.

(1) In this situation, the employee must be retested by breath analysis and found to have a BAL no more than 0.02 percent before returning to duty with the Town of Gordonsville.

(F) All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town of Gordonsville.

(G) The completed breath alcohol test form shall be submitted to the mayor, or designee.

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

(ii) Post-accident/post-incident testing shall be carried out within twenty-four (24) hours following the accident/incident.

(iii) Urine collection for post-accident/post-incident testing shall be monitored or observed by the same gender collection personnel at the established collection site(s).

(iv) In instances where post-accident/post-incident testing is to be performed, the Town of Gordonsville reserves the right to direct the designated physician, or his/her designee, to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

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

(A) Post-accident/post incident testing for ambulatory employees. Following all workplace accidents/incidents where alcohol testing is to be performed, unless otherwise specified by the designated physician, or designee, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Gordonsville to the designated urine specimen collection site within twenty-four (24) hours following the accident.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident/post-incident testing.

Any delay in providing specimens for alcohol testing shall be considered a refusal to cooperate with the alcohol abuse program of the Town of Gordonsville and shall result in administrative action up to, and including, termination of employment.

(B) Post-accident/post-incident testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to the testing of the specimens.

Consent shall be given for the attending medical personnel and/or medical facility, including hospitals, to release to the designated physician, or designee, of the Town of Gordonsville appropriate and necessary information or records that would indicate only whether or not specified alcohol, and what amounts, were found in the employee's system.

Consent shall be granted by each employee at the implementation date of the drug/alcohol policy of the Town of Gordonsville, or upon hiring following the implementation date.

In the case of post-accident/post-incident unconscious, seriously injured or hospitalized employees unable for urinary testing, certified and/or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the

employee's system only by use of an accepted method for collecting specimens.

Any failure to do post-accident/post-incident testing within twenty-four (24) hours must be fully documented by the attending medical personnel.

(d) Reasonable suspicion. (i) An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

(ii) The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol based upon recent physical, behavioral or performance indicators of possible drug use.

(iii) Supervisory personnel of the Town of Gordonsville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the mayor, or designee, within twenty-four (24) hours of the decision to test and before the results of the urine alcohol tests are received by the department.

(iv) Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

(e) Random testing. (i) It shall be the policy of the Town of Gordonsville that all employees are subject to random urine alcohol testing. A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random urine alcohol testing and the actual presentation for specimen collection.

(ii) Random donor selection dates will be unannounced with unpredictable frequency for an indeterminate number of employees.

(iii) Random donor selection means some employees may be tested more often while others may not be tested at all.

(f) Return-to-duty and follow-up. (i) Any employee of the Town of Gordonsville, who has violated the prohibited alcohol conduct standards and is allowed to return to work, must submit to a return-to-duty test.

(ii) Follow-up tests will be unannounced and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to work, extending for up to sixty (60) months following return-to-duty.

(iii) The employee will be required to pay for his/her return-to-duty test and all follow-up tests accordingly.

(iv) Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six (6) months.

(11) Alcohol testing collection procedures. (a) Testing will be accomplished as non-intrusively as possible.

(b) Affected employees will be taken by a supervisor, or designated personnel of the Town of Gordonsville, to an alcohol test collection facility selected by the Town of Gordonsville where a urine sample will be taken from the employee.

(i) The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution.

(ii) The sample will be placed in a secure mailing container.

(iii) The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Gordonsville to perform the analysis on collected urine samples.

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

(b) In the event of an accident/incident occurring after regular work hours, the supervisor, or designated personnel, shall take the employee(s) to the testing site within twenty-four (24) hours where proper collection procedures will be administered.

(c) The Omnibus Act for holders of a CDL requires that alcohol testing procedures include split specimen procedures that state:

(i) Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen;

(ii) Both bottles are sent to a laboratory;

(iii) Only the primary specimen is opened and used for the urinalysis;

(iv) The split specimen bottle remains sealed and is stored at the laboratory;

(v) If the analysis of the primary specimen confirms the presence of alcohol, the employee has seventy-two (72) hours to request sending the split specimen to another federal DHHS certified laboratory for analysis;

(vi) The employee will be required to pay for his/her split specimen test(s);

(vii) For the employee's protection, the result of the analysis will be confidential except for the testing laboratory until the designated physician, or designee, has evaluated a positive test result; and

(viii) The mayor and employee will be notified.

(13) Reporting and reviewing. (a) The Town of Gordonsville shall designate a medical review officer (MRO) to receive report(s), and file, testing information transmitted by the laboratory.

(b) The Town of Gordonsville shall designate a licensed physician with knowledge of substance abuse disorders.

(i) The laboratory shall report test results only to the designated physician who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Gordonsville.

(ii) Reports from the laboratory to the designated physician shall be in writing or by fax.

(iii) The designated physician may talk with the employee by telephone upon exchange of acceptable identification.

(c) The testing laboratory, collection site personnel, and designated physician shall maintain security over all the testing data and limit access to such information to the following:

(i) Applicable department head;

(ii) Employee; and

(iii) Mayor, or designee.

(d) Neither the Town of Gordonsville, the laboratory, nor the designated physician shall disclose any alcohol test results to any other person except under written authorization for the affected employee, unless such results are necessary in the process of:

(i) Resolution of accident/incident investigations requested by court order; or

(ii) Required to be released to parties (i.e., TDOT, DOT, Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the town attorney. (Ord. #04-03-08, May 2004)

4-405. Education and training. (1) Reasonable suspicion testing.

(a) Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include:

(i) Two (2) sixty (60) minute periods of training on the specific, contemporaneous, physical, behavioral and performance indicators of both probable drug use and alcohol use; and

(ii) One (1) sixty (60) minute period will be for drugs and one (1) sixty (60) minute period will be for alcohol.

(b) The Town of Gordonsville will sponsor a drug-free awareness program for all employees.

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

(i) Informational material on the effects of drug and alcohol abuse;

- (ii) Employee assistance program for employee assistance provided by insurance carrier.
- (iii) Ordinance regarding the use of prohibited drugs and/or alcohol; and
- (iv) The penalties that shall be imposed upon employees for any drug abuse violations and alcohol abuse in the workplace. (Ord. #04-03-08, May 2004)

4-406. Compliance. (1) Compliance with this substance abuse policy is a condition of employment.

(2) The use of drugs by employees of the Town of Gordonsville and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated and may result in termination of employment.

(3) Job applicants will be denied employment with the Town of Gordonsville if their initial positive pre-employment drug and alcohol test results have been confirmed/verified.

(4) If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination.

(5) The town may consider the following factors in determining the appropriate disciplinary response:

- (a) The employee's work history;
- (b) Length of employment;
- (c) Current work assignment;
- (d) Current job performance; and
- (e) Existence of past disciplinary actions.

(6) The Town of Gordonsville reserves the right to allow employees to participate in an education and/or treatment program provided and approved by the town's employee assistance program as an alternative to, or in addition to, disciplinary action.

If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

(7) Disciplinary action may not be taken pursuant to this drug and alcohol ordinance against employees who voluntarily identify themselves as drug users or alcohol abusers, obtain counseling and rehabilitation through the employee assistance program, and thereafter refrain from violating the town's ordinance on drug and alcohol abuse.

- (a) Voluntary identification will not prohibit disciplinary action for the violation of town personnel policies and regulations; or
- (b) Relieves the employee of any requirements for return-to-duty testing.

(8) Refusing to submit to an alcohol or controlled substance(s) test means that an employee:

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

(b) Fails to provide adequate urine for controlled substance(s) testing without a valid medical explanation after he/she has received notice of the requirement for urine testing in accordance with the provisions of this subsection; and/or

(c) Engages in conduct that clearly obstructs the testing process.

In any case, the physician or breath alcohol technician shall provide a written statement to the mayor, or designee, of the Town of Gordonsville indicating a refusal to test.

(9) In the event that an employee of the Town of Gordonsville is dependent upon, or an abuser of, drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private who will make his recommendations to the mayor.

(10) Such voluntary desire for help with a substance abuse problem may be honored by the Town of Gordonsville if treatment is obtained.

(a) The employee shall be removed from active duty pending completion of the treatment.

(b) A maximum of thirty (30) consecutive calendar days for initial substance abuse treatment will be allowed.

(i) The employee must use all vacation, sick and/or compensatory time available.

(ii) In the event accumulated vacation, sick and/or compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee may be provided unpaid leave for the amount of days needed to complete thirty (30) consecutive calendar days.

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

(12) Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall:

(a) Obtain a return-to-duty recommendation from the Substance Abuse Professional (SAP) designated by the Town of Gordonsville.

(i) The SAP may suggest conditions of reinstatement of the employee that may include after-care.

(ii) Return-to-duty testing is required with random drug/alcohol follow-up testing.

(b) The respective department head and Mayor of the Town of Gordonsville will consider each case individually and set forth final conditions of reinstatement to active duty.

(13) These conditions of reinstatement must be met by the employee.

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

(14) Voluntary disclosure provisions do not apply to applicants. (Ord. #04-03-08, May 2004)

4-407. Exceptions. (1) This chapter does not apply to possession, use or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstration, etc.).

(2) It is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use or provision of alcohol in all such cases. (Ord. #04-03-08, May 2004)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-501. Title.
- 4-502. Purpose.
- 4-503. Coverage.
- 4-504. Standards authorized.
- 4-505. Variances from standards authorized.
- 4-506. Administration.
- 4-507. Funding the program.

4-501. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the Town of Gordonsville. (Ord. #11-08-24, ____ 2011)

4-502. Purpose. The Town of Gordonsville, in electing to update their established program plan, will maintain an effective occupational safety and health program for its employees and shall:

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

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

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

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

(4) Consult with the state commissioner of labor and workforce development with regard to the adequacy of the form and content of records.

¹The plan of operation for the Occupational Safety and Health Program for the Town of Gordonsville is included as Appendix A.

(5) Consult with the state commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #11-08-24, ____ 2011)

4-503. Coverage. The provisions of the occupational safety and health program for the employees of the Town of Gordonsville shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Gordonsville, whether part-time or full-time, seasonal or permanent. (Ord. #11-08-24, ____ 2011)

4-504. Standards authorized. The occupational safety and health standards adopted by the Town of Gordonsville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (Ord. #11-08-24, ____ 2011)

4-505. Variances from standards authorized. The Town of Gordonsville may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with "Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 5." Prior to requesting such temporary variance, the mayor and board of aldermen shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Gordonsville shall be deemed sufficient notice to employees. (Ord. #11-08-24, ____ 2011)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-506. Administration. For the purposes of this chapter, the mayor is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the Town of Gordonsville. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #11-08-24, ____ 2011)

4-507. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the mayor and board of aldermen. (Ord. #11-08-24, ____ 2011)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. GROSS RECEIPT TAX.
4. WHOLESALE BEER TAX.
5. PERSONAL PROPERTY TAXES.
6. PURCHASING POLICY.
7. DEBT POLICY.
8. FUND BALANCE POLICY.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds.

5-101. Official depository for town funds. The board of mayor and aldermen shall designate the official depositories for the municipal funds. (1994 Code, § 5-101)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-203. Annual levy of taxes.

5-201. When due and payable.¹ Taxes levied by the municipality against real property shall become due and payable annually on the first day of October of the year for which they are levied. (1994 Code, § 5-201, modified)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1994 Code, § 5-202)

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated,
(continued...)

5-203. Annual levy of taxes. The governing body shall annually levy tax assessment for the year. (1994 Code, § 5-203)

CHAPTER 3**GROSS RECEIPT TAX****SECTION**

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. (1994 Code, § 5-301)

5-302. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1994 Code, § 5-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1994 Code, § 5-401)

¹State law reference

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

CHAPTER 5**PERSONAL PROPERTY TAXES****SECTION**

5-501. Annual levy of taxes.

5-502. When due and payable.

5-501. Annual levy of taxes. The governing body shall annually levy tax assessment which shall be the same rate as that levied for real property taxes for the year. (1994 Code, § 5-501)

5-502. When due and payable. Taxes levied by the municipality against personal property shall become due and payable annually on the first day of November in the year in which they are levied. (1994 Code, § 5-502)

CHAPTER 6

PURCHASING POLICY

SECTION

- 5-601. Purchasing agent.
- 5-602. Purchasing procedures.
- 5-603. Relations of other departments with the finance/town recorder's office.
- 5-604. Purchases exceeding five hundred dollars (\$500.00).
- 5-605. Purchases of five hundred dollars (\$500.00) or less.
- 5-606. Receiving report.
- 5-607. Emergency purchases.
- 5-608. Sale of surplus property.
- 5-609. Sealed bids or proposals.
- 5-610. General information.

5-601. Purchasing agent. The mayor shall act as purchasing agent for the town, with power, except as set out in these procedures, to purchase materials, supplies, equipment; secure leases and lease-purchases; and dispose of and transfer surplus property for the proper conduct of the town's business. All contracts, leases, and lease purchase agreements extending beyond the end of any fiscal year must have prior approval of the governing body. (Ord. #11-09-12, ____ 2011)

5-602. Purchasing procedures. The purchasing agent shall have the authority to make purchases, leases, and lease purchases up to ten thousand dollars (\$10,000.00). The purchasing agent shall be responsible for compliance with these procedures and the Municipal Purchasing Law of 1983, as amended, including required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases from the law as herein defined. In no event shall a purchase order, requisition, or contract be split or divided into two (2) or more with the intent of evading the necessity of having competitive bids and/or the necessity of obtaining the approval of the governing body. The purchase of several complete items from a single vendor to be used in different departments shall be considered as individual purchases.

All purchases or transactions totaling ten thousand dollars (\$10,000.00) or more should be competitively bid. Three (3) competitive bids or quotations shall be required prior to each purchase. All competitive bids or quotations received shall be recorded and maintained in the office of the town recorder for a minimum of seven (7) years after contract expires. When requisitions are required, the competitive bids or quotations received shall be listed upon that document prior to the issuance of the purchase order. Awards shall be made by the governing body to the lowest responsible bidder meeting specifications.

The following town purchases are exempt from competitive bidding and public advertisement requirements according to the 1983 Municipal Purchasing Law and requires the governing body's approval:

- (a) Sole source of supply or proprietary products as determined after complete search by using the department and the purchasing agent, with the governing body's approval.
- (b) Emergency expenditures with subsequent approval of the governing body.
- (c) Purchases from instrumentalities created by two (2) or more cooperating governments.
- (d) Purchases from nonprofit corporations whose purpose or one of whose purpose is to provide goods or services specifically to municipalities.
- (e) Purchases, leases or lease-purchases of real property.
- (f) Purchases, leases, or lease-purchases, from any federal, state, or local governmental unit or agency, of second-hand articles or equipment or other materials, supplies, commodities, and equipment.
- (g) Purchases through other units of governments as authorized by the Municipal Purchasing Law of 1983.
- (h) Purchases directed through or in conjunction with the state Department of General Services.
- (i) Purchases from Tennessee state industries.
- (j) Professional service contracts as provided in Tennessee Code Annotated, § 12-4-106.
- (k) Tort liability insurance as provided in Tennessee Code Annotated, § 29-20-407.
- (l) Purchases of fuels, fuel products or perishable commodities.
- (m) Purchases of natural gas and propane for re-sale.

The purchasing agent shall be responsible for following these procedures and the Municipal Purchasing Law of 1983, as amended, including keeping and filing required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases form the law as herein defined. (Ord. #11-09-12, ____ 2011)

5-603. Relations of other departments with the finance/town recorder's office. The finance/town recorder's office is a service agency for all other departments of the town. The purchasing function is a service, and the mutual benefits derived, for the good of the town, depend upon cooperation of each department with the others. This manual is a guide to help the departments know their buying responsibilities.

- (1) Finance/town recorder's office responsibilities.
 - (a) Aid and cooperate with all departments in meeting their needs for operating supplies, equipment, and services.
 - (b) Process all requisitions with the least possible delay.

(c) Procure a product that will meet the department's requirements at the least cost to the town.

(d) Know the sources and availability of needed products and services and maintain current vendor files.

(e) Prepare purchase orders, and process and maintain order and requisition files.

(f) Search for new and improved sources of supplies and services.

(g) Keep items in storage in sufficient quantities to meet normal requirements of the town for a reasonable length of time within space availability.

(h) Investigate and document complaints about merchandise and services for future reference.

(i) Assist in preparation of specifications and to maintain specification and historical bid files.

(j) Prepare and advertise requests for bids and maintain bid files.

(k) Insure that the budget has not been exceeded for any purchase.

(2) Using department's responsibility.

(a) Obtain prices on comparable materials.

(b) Allow lead time for the purchasing department to process the requisition and issue the purchase order, while permitting the supplier time to deliver the needed items.

(c) Prepare a complete and accurate description of materials to be purchased.

(d) Assist finance/town recorder's office by selecting sources of supply.

(e) Plan purchases in order to eliminate avoidable emergencies.

(f) Prepare specifications on items to be bid.

(g) Inspect merchandise upon receipt, and complete a receiving report noting any discrepancies in types, numbers, condition, or quality of goods.

(h) Advise finance/town recorder's office of defective merchandise or dissatisfaction with vendor performance.
(Ord. #11-09-12, ____ 2011)

5-604. Purchases exceeding five hundred dollars (\$500.00).

(1) Purchase requisitions. All purchases exceeding five hundred dollars (\$500.00) must be initiated through the preparation and submittal of a purchase requisition to the finance/town recorder's office. The purchase requisition serves to inform the finance/town recorder's office of the needs of the using department and to correctly define the material or service requested.

Requisitions shall be prepared after the using department obtains competitive prices and before vendor delivery.

Requisitions shall originate in the using department and be signed by the requisitioner and the department head.

How to prepare:

- (a) Date issued – date the requisition is prepared.
- (b) Date needed – state a delivery date. Prepare far enough in advance to avoid emergencies.
- (c) Department – complete the name of the using department.
- (d) Requisitioner – signature of the person initiating the purchase request.
- (e) Department head – signature of the department head.
- (f) Vendor name and address. When applicable, attach three (3) phone quotes with vendor name, price, contact, and supporting documentation.
- (g) Quantity – number required.
- (h) Unit – dozen, lineal feet, gallon, etc.
- (i) Description – give a clear description of the items desired as to size, color, type, etc. If the purchase is of technical nature, specifications should be attached to the requisition. If the item cannot be described without a great amount of detail, a brief description should be given followed by a trade name and model number of an acceptable item "or approved equal."

NOTE: Incomplete information in this area will result in the requisition being returned to the using department for clarification. An incomplete requisition could cause unnecessary delays.

- (j) Unit price – price for each individual item.
- (k) Amount – a total of quantity times unit price.
- (l) Signatures – Signatures of the requisitioner and/or department head.

Prepare two (2) copies of the purchase requisition. Send the original to the finance/town recorder's office and retain the second copy in department files. The finance/town recorder shall certify availability of budgetary and cash funds.

A requisition must be completed before a purchase is made, except as otherwise provided herein. Approximate cost of items will enable finance/town recorder to determine if bids are required.

If it is determined by the finance/town recorder that the account lacks a sufficient budget, it will be referred to the mayor, who will notify the department head.

The requisitioner shall not split orders to circumvent any provision of town code or charter, this manual, or any policy established by the town, nor shall requisitions be submitted for the sole purpose of using up budgetary balances.

(2) **Purchase orders.** Following the approval of a purchase requisition, a purchase order is prepared by the finance/town recorder to authorize the seller to ship and invoice the materials and services as specified. Purchase orders shall be written so that they are clear, concise, and complete. This prevents misunderstandings and unnecessary correspondence with suppliers.

Purchase orders are issued only after an acceptable requisition has been submitted and after approval of the mayor and finance/town recorder. No purchase order will be issued until the finance/town recorder's office has certified adequate budgetary and cash balances to make the purchase, except as otherwise provided herein.

Only the finance/town recorder's office shall issue purchase orders.

The finance/town recorder's office must initiate all cancellations and will issue a purchase order to the next best vendor or renew the purchasing process. (Ord. #11-09-12, ____ 2011)

5-605. Purchases of five hundred dollars (\$500.00) or less. Purchase of five hundred dollars (\$500.00) or less can be made without the use of a purchase requisition; however, a purchase order issued through the finance/town recorder's office is required.

The department head may obtain a purchase order from the finance/town recorder's office. It is the responsibility of the department head, considering price and quality, to determine the best source of supply. All local sources should be considered before a purchase is made.

Under no circumstances may multiple forms be used, if the purchase is over the dollar limit, in an effort to avoid filling out a purchase requisition.

The following information must be provided by the ordering department prior to the issuance of a purchase order:

- (1) Vendor – firm or person from whom purchase is being made.
- (2) Vendor's address – address of the vendor.
- (3) Quantity – amount ordered of each item described.
- (4) Description – brief description of item(s) to be purchased.
- (5) Price – amount equal to quantity times unit cost.

No purchase order will be issued until the finance/town recorder's office has certified adequate budgetary and cash balances to make the purchase, except as otherwise provided herein. Following issuance, a numbered purchase order is delivered to department heads. Department heads will review and sign the purchase order. (Ord. #11-09-12, ____ 2011)

5-606. Receiving report. Receiving reports are designed to notify the finance/town recorder office that the items of a particular order have been received. Receiving reports are required using one (1) of two (2) methods:

- (1) The person receiving the merchandise or service can sign the invoice signifying that goods have been received and are in good condition; or

(2) **Material receiving report.** This form is completed immediately upon receipt of materials, supplies, or services. The person receiving the merchandise must prepare the material receiving report.

When any item(s) is not in satisfactory condition, a statement on the condition of the item(s) shall be made in the description column or on the invoice. No statement as to the condition of item(s) certifies that the item(s) is in satisfactory condition. (Ord. #11-09-12, ____ 2011)

5-607. Emergency purchases. (1) **Purpose.** Emergency purchases are to be made by departments only when normal functions and operations of the department would be hampered by submitting a requisition in the regular manner, or when property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., and are needed immediately. Emergency purchases are costly and should be kept to a minimum. Avoiding emergency orders will save the town money.

(2) **Who authorizes emergency purchases.** Only the purchasing agent may authorize an emergency purchase. The purchasing agent shall report the purchases and/or contracts to the governing body at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. (Ord. #11-09-12, ____ 2011)

5-608. Sale of surplus property. When a department head decides there is excess equipment or material in the department, he or she shall notify the purchasing agent in writing. The purchasing agent will figure out the best way to dispose of items with an estimated value of less than one hundred dollars (\$100.00) and inform the department head. Items with an estimated value of more than one hundred dollars (\$100.00) shall be advertised for bidding, which will begin after the purchasing agent has received approval from the governing body. Such equipment or materials will be sold to the highest bidder.

However, the purchasing agent may transfer surplus equipment or material from one (1) department to another. He or she must be sure the finance/town recorder's office knows the transfer or sales. With approval of the governing body, equipment or material also may be sold at public auction. (Ord. #11-09-12, ____ 2011)

5-609. Sealed bids or proposals. Sealed bids are required on purchases of ten thousand dollars (\$10,000.00) or more. Bids must be advertised in a local newspaper of general circulation not less than five (5) days before bid opening date.

(1) **Purchasing department's responsibilities.**

- (a) Prepare bid requests.
- (b) Establish date and time for bid opening.
- (c) Select possible sources of supply.

(d) Prepare specifications (unless of a technical nature, such as architectural, engineering, etc.) using department's input and assistance. Plans, specifications and estimates for any public works project exceeding twenty-five thousand dollars (\$25,000.00) must be prepared by a registered architect or engineer as required by Tennessee Code Annotated, § 62-2-107.

(e) Mail bid requests and advertise as appropriate. If delivered by hand, a receipt of the bid request should be signed by the vendor.

(f) Receive and open bids.

(g) Evaluate bids using department's assistance.

(h) Prepare bids and make a recommendation on award to governing body for approval.

(i) Process purchase order after governing body approval.

(j) Maintain all specification and bid data files.

(2) General information. The following policies shall apply to sealed bids:

(a) Bid or proposal opening. Bids will be opened at the time and date specified on the bid request. All bids are opened publically and read aloud, with a tabulation provided to all vendors participating. Proposals for extensive systems, complicated equipment, construction projects, with prior approval of the governing body, may be opened privately in case where the disclosure of the contents of the proposal could not readily be evaluated and would have a negative impact on both the vendor and the town.

(b) Late bids. No bid received after closing time will be accepted. All late bids will be returned unopened to the vendor. Bids postmarked on the bid opening date but received after the specified time will be considered late and will be returned unopened.

(c) Bid opening schedule. Purchasing department is responsible for setting bid opening dates and times.

(d) Telephone bids. Telephone bids are not accepted.

(e) Bid form. Purchasing department sends duplicate copies of bid request forms to each bidder, thereby enabling the bidder to return one and maintain a file copy. Bids will not be accepted on any vendor letterhead, vendor bid form or other substitutions unless special permission is given by the town recorder's office.

(f) Unsigned bids. Failure of a vendor representative to sign a bid proposal removes that bid from consideration. A typed official's name will not be accepted without that person's written signature.

(g) Acceptance of bids. The town reserves the right to reject any or all bids, to waive any irregularities in a bid, to make awards to more than one (1) bidder, to accept any part or all of a bid, or to accept the bid (or bids) that in the judgment of the governing body is in the best interest to the town.

(h) Shipping charges. Bids are to include all shipping charges to the point of delivery. Bids will be considered only on the basis of delivered price, except as otherwise authorized by the governing body.

(i) Sample product policy. The town recorder's office may request a sample product as part of a bid. If this is stated on the bid proposal form, the vendor is required to comply with this request or have the bid removed from consideration.

(j) Approved equal policy. Specifications in the request for bid are intended to establish a desired quality or performance level or other minimum requirements that will provide the town with the best product available at the lowest possible price. When a brand name or a model is designated, it signifies the minimum quality acceptable. If an alternate is offered, the bidder must include the brand name or model to be furnished, along with complete specifications and descriptive literature and, if requested, a sample for testing. Brands or models other than those designated as "equal to" products shall receive equal consideration.

(k) Alternate bids. Should it be found, after bids have been opened, that a product has been offered with an alternative specification and that this product would be better for the town to use, all bids for that item may be rejected and specifications redrawn to allow all bidders and equal opportunity to submit bids on the alternate item.

(l) Vendor identification. Potential suppliers are selected from existing vendor files using department's suggestions and any and all sources available to locate vendors related to a specific product or service. New suppliers are added to the bid list as they are found.

(m) Tie bids. A tie bid is one in which two (2) or more vendors bid identical items at the same unit cost. The winning bidder among tie bids may be determined by one (1) of the following factors:

- (i) Discount allowed;
- (ii) Delivery schedule;
- (iii) Previous vendor performance;
- (iv) Vendor location;
- (v) Trade-in value offered.

(n) Cancellation of invitation for bid or request for proposal. An invitation to bid, a request for proposal, or other solicitations may be canceled, or any or all bids or proposals may be rejected in part as may be specified in solicitation when it is in the best interest of the town. The reasons shall be made a part of the bid or proposal file.

(o) Public advertisement. In addition to publication in a newspaper of general circulation as required by law, the purchasing agent may make any other efforts to let all prospective bidders know about the invitation to bid. This may be accomplished by delivery, verbally, mail, or by posting the invitation to bid in a public place. It is

not required that specifications be included in the invitation to bid. However, this notice should state clearly the purchase to be made.

(p) Mistakes in bids. Mistakes in bids detected prior to bid opening may be corrected by the bidder withdrawing the original bid and submitting a revised bid prior to the bid opening date and time. Bidder mistakes detected by the bidder after the bids have been opened based on miscalculation may be withdrawn only with the approval of the purchasing agent. The purchasing agent shall determine if all or a portion of any bid bond shall be surrendered to the town as liquidated damages for any costs associated with the bid withdrawal.

(q) Bid bond. The purchasing agent may require that bidders submit a bid bond or other acceptable guarantee equal to five percent (5%) of the bid to ensure that the lowest responsible bidder selected by the governing body enters into a contract with the town. All or a portion of the bid bond shall be surrendered to the town as liquidated damages should the successful bidder fail to enter into a contract awarded by the governing body.

(r) Performance bond. The purchasing agent may require and then include in the bid documents a requirement for the successful bidder to post a performance bond or other guarantee satisfactory to the town attorney that insures the faithful performance of all of the terms and conditions of the purchase contract.

(s) Sealed bids and sealed proposals. The following is taken from Model Procurement Code for State and Local Governments, American Bar Association, February 1979, pages 21-22:

(i) "Competitive sealed bidding as defined in this Code, is the preferred method of procurement. Although the formal sealed bid process should remain a standard in public purchasing, there is a place for competitive negotiation." (State and Local Government Purchasing, The Council of State Governments (1975) at 2.2). Competitive sealed proposals method (similar to competitive negotiation) is available for use when competitive sealed bidding is not practicable.

(ii) Both methods assure price and product competition. The use of functional or performance specifications is allowed under both methods to facilitate consideration of alternative means of meeting (state) needs, with evaluation, where appropriate, on the basis of total or relative importance of the criteria to be used in the evaluation process under either method must be fully disclosed in the solicitation. Only criteria disclosed in the solicitation may be used to evaluate the items bid or proposed.

(iii) These two (2) methods of source selection differ in the following ways:

(A) Under competitive sealed bidding, subjective factors may be issued only to determine if the supply, service, or construction item bid meets the purchase description. Under competitive sealed proposals, subjective factors may be used to determine not only if the items being offered meet the purchase description but may also be used to evaluate competing proposals. The effect of this different use of subjective evaluation is that under competitive sealed bidding, once the subjective evaluation is completed, award is made on purely objective basis to the lowest responsive and responsible bidder. Under competitive sealed proposals, the quality of competing products may be compared and trade-offs made between price and quality of the items offered (all as set forth in the solicitation). Award under competitive sealed proposals is then made to the responsible offer or whose proposal is most advantageous to the town.

(B) Competitive sealed bidding and competitive sealed proposals also differ in that, under competitive sealed bidding, no change in bids is allowed once they have been opened, except for correction of errors in limited circumstances. The competitive sealed proposal method, on the other hand, permits discussions after proposals have been opened to allow clarification and changes in proposals provided that adequate precautions are taken to treat each offer fairly and to ensure that information gleaned from competing proposals is not disclosed to other offerors.

(t) Other aspects to be considered in bid awards. In addition to price, the following points should be considered when awarding a bid:

(i) The ability of the bidder to perform the contract or provide the material or service required.

(ii) Whether the bidder can perform the contract or provide the material or service promptly or within the time specified, without delay or interference.

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

(iv) The previous and existing compliance, by the bidder, with laws and ordinances relating to the contract or service.

(v) The ability of the bidder to provide future maintenance and service for the use of the subject contract.

(vi) Terms and conditions stated in bid.

(vii) Compliance with specifications or request for proposal.

(u) Non-performance policy. Failure of a bidder to complete a contract, bid, or purchase order in the specified time agreed on, or failure

to provide the service, materials, or supplies required by such contract, bid, or purchase order, or failure to honor a quoted price on services, materials, or supplies on a contract, bid, or purchase order may result in one (1) or more of the following actions:

- (i) Removal of a vendor from bid list for a period to be determined by the governing body.
- (ii) Allowing the vendor to find the needed item for the town from another supplier at no additional cost to the town.
- (iii) Allowing the town to purchase the needed services, materials, or supplies from another source and charge the vendor for any difference in cost resulting from this purchase.
- (iv) Allowing monetary settlement. (Ord. #11-09-12, ____ 2011)

5-610. General information. (1) Preference to local dealers. When buying supplies, materials, equipment, and services for the town's requirements, preference shall be given to dealers who have stores or warehouses within the town, price, quality, delivery, and service being equal.

(2) Federal excise tax. The town is exempt from the payment of excise taxes imposed by the federal government, and suppliers should be requested to deduct the amount of such taxes from their bids, quotations, and invoices.

(3) Standardization requirements. Standardizing supplies and materials that can be bought in large quantities can save a great deal of money. Thus, department heads should adopt as standards the minimum number of quantities, sizes, and varieties of commodities consistent with successful operation. Where practical, materials and supplies should be bought on the basis of requirements for six (6) month period.

(4) Inspection of deliveries. No invoices for supplies, materials, or equipment shall be accepted for payment until such supplies, materials, etc., have been received and inspected by the department head.

(5) Correspondence with suppliers. Copies of any correspondence with suppliers concerning prices, adjustments, or defective merchandise shall be forwarded to the finance/town recorder's office. All invoices, bills of lading, delivery tickets, and other papers relating to purchases shall be sent to the finance/town recorder's office.

(6) Claims. The purchasing agent shall prosecute all claims for shortages, breakages, or other complaints against either shipper or carrier in connection with shipments.

(7) Public inspection of records. The finance/town recorder's office shall keep a complete record of all quotations, bids, and purchase orders. Such records shall be open to public inspections. (Ord. #11-09-12, ____ 2011)

CHAPTER 7

DEBT POLICY¹

SECTION

- 5-701. Purpose and goal.
- 5-702. Definition of debt.
- 5-703. Approval of debt.
- 5-704. Transparency.
- 5-705. Role of debt.
- 5-706. Types and limits of debt.
- 5-707. Use of variable debt rate.
- 5-708. Use of derivatives.
- 5-709. Costs of debt.
- 5-710. Refinancing outstanding debt.
- 5-711. Professional services.
- 5-712. Conflicts.
- 5-713. Review of policy.
- 5-714. Compliance.

5-701. Purpose and goal. (1) The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the Town of Gordonsville, Tennessee. This policy reinforces the commitment of the town and its officials to manage the financial affairs of the town so as to minimize risk, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the town. A debt management policy signals to the public and the rating agencies that the town is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

(2) The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt. (as added by Ord. #12-01-05, Feb. 2012)

5-702. Definition of debt. All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money

¹State law references

Contracts, leases, and lease purchase agreements: Tennessee Code Annotated, title 7, chapter 51, part 9.

Local government public obligations law: Tennessee Code Annotated, title 9, chapter 21.

utilized for the purchase, construction, or operation of town resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (as added by Ord. #12-01-05, Feb. 2012)

5-703. Approval of debt. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the board of mayor and aldermen; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (as added by Ord. #12-01-05, Feb. 2012)

5-704. Transparency. (1) The town shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspapers, bulletin boards, and websites.

(3) All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the citizens, board of mayor and aldermen, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, board of mayor and aldermen, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, board of mayor and aldermen, and other stakeholders in a timely manner. (as added by Ord. #12-01-05, Feb. 2012)

5-705. Role of debt. (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the town will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(2) In accordance with Generally Accepted Accounting Principles (GAAP) and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #12-01-05, Feb. 2012)

5-706. Types and limits of debt. (1) The town will seek to limit total outstanding debt obligations to three percent (3%) of assessments, excluding overlapping debt, enterprise debt, and revenue debt.

(2) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(3) The town's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen. Chief Financial Officer (CFO) shall monitor the maturities and terms and conditions of all obligations to ensure compliance. Chief finance officer shall also report to the board of mayor and aldermen any matter that adversely affects the credit or financial integrity of the town.

(4) The town is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(5) The town will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(6) As a rule, the town will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the town may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the town.

(7) The town may use capital leases to finance short-term projects.

(8) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The town may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the town. The board of mayor and aldermen and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the town's general fund. (This provision is necessary only if the town has a source of repayment for a revenue bond, such as a water or sewer system.) (as added by Ord. #12-01-05, Feb. 2012)

5-707. Use of variable rate debt. (1) The town recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the town also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks, including:

(a) The town will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the board of mayor and aldermen shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the board of mayor and aldermen shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the board of mayor and aldermen will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (as added by Ord. #12-01-05, Feb. 2012)

5-708. Use of derivatives. (1) The town chooses not to use derivative or other exotic financial structures in the management of the town's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (as added by Ord. #12-01-05, Feb. 2012)

5-709. Costs of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e. general obligations bonds in context of the general

fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (as added by Ord. #12-01-05, Feb. 2012)

5-710. Refinancing outstanding debt. (1) The town will refund debt when it is in the best financial interest of the town to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions. Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring for economic purposes. The town will refund debt when it is in the best financial interest of the town to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the chief financial officer if the refunding generates positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) Term of refunding issues. The town will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) Escrow structuring. The town shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the town from its own account.

(e) Arbitrage. The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (as added by Ord. #12-01-05, Feb. 2012)

5-711. Professional services. The town shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the town and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) Counsel. The town shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction. (No engagement letter is required for any lawyer who is an employee of the town or lawyer or law firm which is under a general appointment or contract to serve as counsel to the town. The town does not need an engagement letter with counsel not representing the town, such as underwriters' counsel.)

(2) Financial advisor. (If the town chooses to hire financial advisors) The town shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions.

Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the town.

(3) Underwriter. (If there is an underwriter) The town shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the town with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the entity. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the governing body in advance of the pricing of the debt. (as added by Ord. #12-01-05, Feb. 2012)

5-712. Conflicts. (1) Professionals involved in a debt transaction hired or compensated by the town shall be required to disclose to the town existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the town to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #12-01-05, Feb. 2012)

5-713. Review of policy. This policy shall be reviewed at least annually by the board of mayor and aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process

as the initial adoption of this policy, with opportunity for public input. (as added by Ord. #12-01-05, Feb. 2012)

5-714. Compliance. The board of mayor and aldermen is responsible for ensuring compliance with this policy. (as added by Ord. #12-01-05, Feb. 2012)

CHAPTER 8

FUND BALANCE POLICY

SECTION

- 5-801. Purpose.
- 5-802. Categories.
- 5-803. Responsibility.
- 5-804. Order of use of restricted and unrestricted funds.
- 5-805. Authority to commit funds.
- 5-806. Stabilization funds.
- 5-807. Authority to assign funds.
- 5-808. Unassigned fund balance.
- 5-809. Effective date.

5-801. Purpose. The fund balance policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The fund balance policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a fund balance policy is for the town to be in a strong fiscal position that will allow for better position to weather negative economic trends. (as added by Ord. #12-01-06, Feb. 2012)

5-802. Categories. The fund balance consists of five (5) categories:

- (1) Nonspendable;
- (2) Restricted;
- (3) Committed;
- (4) Assigned; and
- (5) Unassigned.

(a) Nonspendable fund balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.

(b) Restricted fund balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.

(c) Committed fund balance consists of funds that are set aside for a specific purpose by the town's highest level of decision making authority (governing body). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.

(d) Assigned fund balance consists of funds that are set aside with the intent to be used for a specific purpose by the town's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

(e) Unassigned fund balance consists of excess funds that have not been classified in the previous four (4) categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls. (as added by Ord. #12-01-06, Feb. 2012)

5-803. Responsibility. Nonspendable funds are those funds that cannot be spent because they are either:

- (1) Not in spendable form (e.g. inventories and prepaids);
- (2) Legally or contractually required to be maintained intact.

It is the responsibility of the chief finance officer to report all nonspendable funds appropriately in the town's financial statements.

Restricted funds are those funds that have constraints placed on their use either:

- (a) Externally by creditors, grantors, contributors, or laws or regulations or other governments;
- (b) By law through constitutional provisions or enabling legislation.

It is the responsibility of the chief finance officer to report all restricted funds appropriately in the town's financial statements. (as added by Ord. #12-01-06, Feb. 2012)

5-804. Order of use of restricted and unrestricted funds. When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last. (as added by Ord. #12-01-06, Feb. 2012)

5-805. Authority to commit funds. The town's governing body has the authority to set aside funds for a specific purpose. Any funds set aside as committed fund balance require, at a minimum, the passage of a resolution by a simple majority vote. An ordinance may also be used. Commitment must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution or ordinance must state the process or formula necessary to calculate the actual amount as soon as information is available. In the event the governing body wishes to lift the committed status of funds so that they may be used for general purposes, a

formal action equal to that which originally committed the funds must be taken. (as added by Ord. #12-01-06, Feb. 2012)

5-806. Stabilization funds. The town's governing body has the authority to establish a financial stabilization account that will be a committed fund balance. A financial stabilization account may be established for the purpose of providing funds for an urgent event that affects the safety of the general public (e.g. flood, tornado, etc.). The minimum level for the financial stabilization account is five percent (5%) of general fund expenditures. The recognition of an urgent event must be established by the governing body or their designee (e.g. chief administrative officer). If established by the governing body's designee, the specific urgent event must be reported to the governing body at their next meeting. A budget amendment must be approved by the town's governing body. In the event that the balance drops below the established minimum level, the town's governing body will develop a plan to replenish the financial stabilization account balance to the established minimum level within four (4) years. (as added by Ord. #12-01-06, Feb. 2012)

5-807. Authority to assign funds. Upon passage of the fund balance policy, authority is given to the town's chief finance officer to assign funds for specific purposes in an amount not to exceed twenty thousand dollars (\$20,000.00) per purpose or in total not to exceed two hundred thousand dollars (\$200,000.00). Any funds set aside as assigned fund balance must be reported to the town's governing body at their next regular meeting and recorded in the minutes. The governing body has the authority to remove or change the assignment of the funds with a simple majority vote.

The town's governing body has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as assigned fund balance require a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Upon passage of a budget ordinance where fund balance is used as a source to balance the budget, the chief finance officer shall record the amount as assigned fund balance. (as added by Ord. #12-01-06, Feb. 2012)

5-808. Unassigned fund balance. Unassigned fund balance is the residual amount of fund balance in the general fund. It represents the resources available for future spending. An appropriate level of unassigned fund balance should be maintained in the general fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned fund balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget amendment by the town's governing body. In the event of projected revenue shortfalls, it is the responsibility of the chief finance officer to report the

projections to the town's governing body on a quarterly basis and shall be recorded in the minutes.

Any budget amendment that will result in the unassigned fund balance dropping below the minimum level will require the approval of two-thirds (2/3) vote of the town's governing body.

The fund balance policy establishes a minimum unassigned fund balance equal to thirty percent (30%) of general fund expenditures. In the event that the balance drops below the established minimum level, the town's governing body will develop a plan to replenish the fund balance to the established minimum level within two (2) years. (as added by Ord. #12-01-06, Feb. 2012)

5-809. Effective date. The ordinance comprising this chapter shall be effective on its final passage. (as added by Ord. #12-01-06, Feb. 2012)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Appointment of chief of police and policemen.
- 6-102. Policemen subject to chief's orders.
- 6-103. Policemen to preserve law and order, etc.
- 6-104. Police department records.
- 6-105. Policemen to wear uniforms and be armed.

6-101. Appointment of chief of police and policemen. The town's governing body shall have the authority to appoint the chief of police and such other policeman as they deem advisable and shall have the right to fix compensation for services rendered.

6-102. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

6-103. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court.

6-104. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law.

6-105. Policeman to wear uniforms and be armed. All policemen shall wear such uniforms and badges as the governing body shall authorize and shall be authorized to be armed while on duty unless otherwise expressly directed by the chief for a special assignment.

The police chief shall be responsible for insuring that the police department complies with this section.

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

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 probable cause to believe the person has committed it.

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 town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

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

¹Municipal code reference

Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.

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

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIREWORKS.

CHAPTER 1**FIRE CODE****SECTION**

- 7-101. Fire code adopted.
- 7-102. Available in recorder's office.
- 7-103. Enforcement.
- 7-104. Definition of "municipality."
- 7-105. Modifications.
- 7-106. Above-ground bulk storage of flammable liquids.
- 7-107. Violations and penalty.

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2009 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-102. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

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

7-103. 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. (1994 Code, § 7-202)

7-104. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean this municipality. (1994 Code, § 7-204)

7-105. Modifications. (1) The chief of the fire department may recommend to the governing body modifications of 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 modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the governing body.

(2) All fire investigations are carried out by the state fire marshal's office. (1994 Code, § 7-204, modified)

7-106. Above-ground bulk storage of flammable liquids. (1) The term "flammable liquid or material," whenever used in this section, shall mean any liquefied petroleum gas, flammable liquid, compressed flammable gas or nonflammable compressed gas as recognized and regulated by the Tennessee Code Annotated or the rules and regulations of the State of Tennessee as of the effective date of this section and as amended from time to time.

Bulk storage shall mean any container that has a capacity that exceeds one thousand (1,000) gallons, unless exceptions are granted by the mayor and board of alderman. It is the express purpose of this section to regulate the commercial and industrial storage of flammable liquids or materials. Agricultural or residential storage is not subject to the terms and conditions of this section.

(2) The above-ground bulk storage of flammable liquids or materials is absolutely prohibited within the corporate limits of the Town of Gordonsville except as specifically permitted by the mayor and board of alderman pursuant to the terms of this section.

(3) Blended liquids comprised of any flammable liquid shall be deemed a flammable liquid for the purposes of this section.

(4) The above-ground bulk storage of flammable liquid or material is only permitted in the Town of Gordonsville after the applicant first obtains from the town a permit for the use or proposed use of the premises on which the storage is to occur. The mayor and board of aldermen will consider the following in its decision to issue or deny a permit:

(a) The storage tank(s) meet the UL 2085 Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids.

(b) Each storage tank is supported by a poured concrete stabilization pad, the thickness recommended by the tank manufacturer with the pad's inside dimensions no less than the exterior dimensions of the tank.

(c) Any weather protection provided for the storage tank is made totally of noncombustible materials.

(d) No storage tank is in proximity to a school, church, home or other public gathering places so as to cause a hazard.

(e) A copy of the storage tank(s) manufacturer's recommendations or instructions for installation have been provided to the mayor and fire marshal, and said recommendations or instructions have been followed unless, by following said recommendations or instructions, the installation would not be in compliance with this section or other laws.

(f) Provisions are provided for the physical protection of the storage tank(s) so as to prevent its (their) exposure to accidental collision or any other reasonably foreseeable hazards arising generally or specifically from the use of the premises.

(g) Provisions are provided for securing the pumping apparatus and storage tank(s) from unauthorized use or discharge.

(h) Provisions are provided for locating the storage tank(s) on the premises, and for screening the storage tank(s), so as to minimize the impact of undesirable noise, fumes, and any other activity associated with its (their) use that reasonably can be foreseen to disturb the peaceful enjoyment of neighboring property or disrupt passers-by. The codes board and mayor are authorized, jointly and individually, to order additional screening, vapor recovery systems or other requirements to mitigate any hazard or undesirable effect that interferes with the peaceful enjoyment of neighboring property or disrupts passers-by upon a complaint received.

(i) These provisions shall not limit in any way the authority of the codes enforcement board, fire marshal or any other town official to enforce any other applicable law or ordinance.

(5) In the event that an above-ground storage tank(s) is (are) removed, the owner(s) of said tank(s) shall follow these procedures.

(a) The owner(s) shall pump down all tanks.

(b) The owner(s) shall notify the local authorities of the intent to remove the tank(s), when the tank(s) will be removed, and the methods by which the tank(s) shall be emptied and removed.

(c) The owner(s) shall contact the local fire department on when the tanks will be removed and whether they will be "burned off."

(d) During the moving or burning off of any tank, the owner(s) will have at least one (1) person on site at all times, have appropriate fire protection on site and available, and have the local fire department on stand by.

- (e) Devalve all tanks and plug off holes.
- (f) Have proper and sufficient equipment to remove said tanks from the property.
- (g) Remove the tank(s) at a time so as to be the least disruptive to traffic and local schools. (Ord. #07-11-19, Feb. 2008)

7-107. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the 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 taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the town code shall not be held to prevent the enforced removal of prohibited conditions. (1994 Code, § 7-205)

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

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

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

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

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and

¹The standard operating procedures for the volunteer fire department for the Town of Gordonsville are available in the recorder's office.

regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department under such rules and regulations as the board of mayor and aldermen may prescribe.

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor or to the board of mayor and aldermen as they may require.

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

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe.

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

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

CHAPTER 3

FIREWORKS

SECTION

- 7-301. Definitions.
- 7-302. Applicability.
- 7-303. Application process.
- 7-304. Restrictions.
- 7-305. Regulations.
- 7-306. Suspension and civil fines.

7-301. Definitions. For the purposes of this chapter:

- (1) "Applicant" shall mean any person or representative of a business organization applying for a permit to sell fireworks.
- (2) "Fireworks" shall mean any combustible or explosive device for producing a striking display of light or loud noise.
- (3) "Permit" shall mean the lawful issuance by the authority of the Town of Gordonsville.
- (4) "Seasonal retailer" means any retailer that engages in the sale of fireworks for a temporary duration.
- (5) "Shall" shall mean mandatory.
- (6) "Stands/booths" shall mean any temporary shelter, tent, or structure utilized for the sale of fireworks. (Ord. #99-05-01R1-05-03, April 2005)

7-302. Applicability. All fireworks stands or booths within the town limits of Gordonsville shall be subject to these regulations. (Ord. #99-05-01R1-05-03, April 2005)

7-303. Application process. (1) Any individual or business organization endeavoring to sell fireworks within the town limits of the Town of Gordonsville shall apply for a permit to sell fireworks and shall include the following:

- (a) Full legal name of applicant;
- (b) Business address;
- (c) Social security number;
- (d) Names and addresses of all persons responsible for the handling, storing and selling of fireworks;
- (e) Name and address of the business organization the applicant represents, if applicable;
- (f) Proposed location of applicant's fireworks stand or booth;
- (g) Date of the application;
- (h) The beginning and ending date the applicant desires to sell the fireworks;

- (i) Copy of fireworks permit from the State of Tennessee;
 - (j) Copy of current business license; and
 - (k) Signature of applicant.
 - (2) Each application shall be accompanied by a nonrefundable cashier's check in the amount of three hundred fifty dollars (\$350.00).
 - (3) Each applicant will be required to post a bond naming the Town of Gordonsville as beneficiary in the amount of five thousand dollars (\$5,000.00) or liability insurance to the Town of Gordonsville in the amount of one million dollars (\$1,000,000.00).
 - (4) An applicant's permit application will be considered at the next regular meeting of the board of mayor and aldermen after application has been submitted.
 - (5) When approved or denied, the town recorder shall forthwith notify the applicant of the board's decision.
 - (6) Any applicant will be allowed two (2) applications in any one (1) calendar year.
- Under no circumstances shall any applicant, whether representing oneself as an individual or in a representative corporation, be allowed to apply more than twice in any given year for the same business organization or individual.
- (7) In the event an applicant's circumstances change which affect the provisions set forth in this chapter, the applicant shall notify the town recorder in writing within fifteen (15) days from the change in circumstances.
 - (8) Any applicant denied two (2) times shall not be allowed to reapply until the expiration of one (1) year from the date of the second refusal. (Ord. #99-05-01R1-05-03, April 2005)

7-304. Restrictions. (1) No stand or booth shall be erected in the Town of Gordonsville for the sale of fireworks without a lawful permit issued to the seasonal retailer by the Town of Gordonsville.

(2) No seasonal retailer shall sell fireworks within the Town of Gordonsville without a lawful permit.

(3) No stand or booth for the sale of fireworks shall be erected on any property, or within one hundred feet (100') of any property (measured from the nearest point), wherein hazardous substances or chemicals or combustible materials are sold, exchanged or stored which shall include, but are not limited to, gasoline, liquid flammable, explosives or other combustible products.

(4) All stands and booths shall comply with all zoning ordinances promulgated by the Town of Gordonsville.

(5) No smoking shall be allowed within fifty feet (50') from the nearest point of any booth or stand.

(6) No booth or stand shall be erected within one hundred feet (100') of a church, school or residence measured from the nearest point of the church, school or residence to the nearest point of the booth or stand.

(7) No permit shall be issued when such business would cause congestion of traffic.

(a) Persons engaged in the sale of fireworks shall ensure that the property on which the business is located shall be reasonably safe for motorists and pedestrians and adequate parking is available.

(b) Persons engaged in the sale of fireworks shall prevent the visible obstruction of the business driveways, along State Highway 53, from any motor vehicle ingressing or egressing to and from the premises. (Ord. #99-05-01R1-05-03, April 2005)

7-305. Regulations. (1) All seasonal retailers operating a fireworks stand or booth shall have visibly displayed the permit issued in accordance with this chapter at the locale of the booth stand.

(2) No seasonal retailer shall be permitted more than one (1) booth or stand within the town limits in any season for which fireworks are sold.

(3) All signs shall be in compliance with the Town of Gordonsville zoning regulations.

(4) Permits shall be issued for a maximum of twenty-eight (28) days. (Ord. #99-05-01R1-05-03, April 2005)

7-306. Suspension and civil fines. (1) Any permit issued pursuant to the terms of this chapter may be revoked, suspended and/or a civil penalty may be imposed on the permit holder.

(2) Any applicant or permit holder knowingly making a false statement on the application shall forfeit the permit.

(3) A civil penalty must be paid within seven (7) days or a suspension shall be imposed.

(4) Upon revocation of a permit, no new permit shall be issued to a person whose permit was revoked, or for the same premises for which the permit was revoked, until the expiration or a minimum of one (1) year, from the date the revocation becomes final and effective. (Ord. #99-05-01R1-05-03, April 2005)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER AND OTHER ALCOHOLIC BEVERAGES.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he affirmatively shows that he has express authority under the state law², it shall be unlawful for any person to receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1994 Code, § 8-101, as amended by Ord. #06-08-14, Aug. 2006)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹ AND OTHER ALCOHOLIC BEVERAGES

SECTION

- 8-201. Definitions.
- 8-202. General selling and distribution.
- 8-203. Permit applications--generally.
- 8-204. Beer permit applications.
- 8-205. Other alcoholic beverage permit applications.
- 8-206. Permits--authority; transfer; fees; and forfeitures.
- 8-207. Permits for off-premise consumption of beer sales.
- 8-208. Permits for off-premise consumption of other alcoholic beverages.
- 8-209. Permits for on-premise consumption.
- 8-210. Hotel and motel permits.
- 8-211. Restaurant permits.
- 8-212. Privilege taxes.
- 8-213. Alcoholic beverage control board.
- 8-214. Regulations and restrictions for operation.
- 8-215. Violations.

8-201. Definitions. (1) "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.

(2) "ABC" shall mean the State of Tennessee Alcoholic Beverage Commission.

(3) "ABCB" shall mean the Alcoholic Beverage Control Board of the Town of Gordonsville.

(4) "Alcoholic beverage store privilege license" is the privilege license issued under the provisions to this chapter for the purpose of authorizing the holder(s) to engage in the business of selling alcoholic beverages at retail in the town at a liquor store that will only be granted to a person(s) possessing a valid state liquor retailer's license.

(5) "Applicant" shall mean the person applying for a beer or alcoholic privilege license or certificate of compliance.

(6) "Applicant group" shall mean more than one (1) person joining together applying for a beer or alcoholic privilege license or certificate of compliance.

¹Municipal code reference

Open container law; minors in beer places: title 11, chapter 1.

(7) "Application" shall mean the form(s) or other information an applicant or applicant group is required to file with the town recorder in order to attempt to obtain a local permit for resale.

(8) "Approving authority" shall mean the alcoholic beverage control board.

(9) "Beer" shall mean a beverage capable of being consumed by a human being containing an alcoholic content of five percent (5%) by weight or less.

(10) "City" shall mean the Town of Gordonsville.

(11) "Co-licensees" means persons who together hold a single local beverage store privilege license for a single store.

(12) "Convenience store" shall mean a store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products and canned goods.

(13) "Distance" shall be the measurement from the nearest corner of the principal structure measured in a straight line to the nearest corner of the structure where any beverage with an alcoholic content is sold, warehoused or distributed.

(14) "Drug store" shall mean a business whose primary source of income is the sale of prescription drugs and associated items.

(15) "Gordonsville" shall mean the Town of Gordonsville, Tennessee.

(16) "Grocery" shall mean a full-line store that maintains an inventory of staple food items including fresh meats, vegetables, produce and fruits.

(17) "Hotel" shall have fifty (50) or more rooms, fully equipped with adjoining bath, bed with single, double, queen or king mattress and springs, necessary linens and pillows, dresser, chairs, reading lights, writing desk and comparable to all other rooms regularly offered for rental with a seating capacity of sixty (60) persons or more in the room where beverages are consumed and/or sold.

(18) "Inspection fee" is the monthly fee a licensee is required to pay, the amount determined by a percentage of the gross sales of a licensee at an alcoholic beverage store.

(19) "License fee" is the annual fee a licensee is required by this chapter to pay per store prior to the time of issuance or renewal of a local liquor store privilege license.

(20) "Licensee" is the holder(s) of a local liquor store privilege license to a person(s) who receives a certificate of compliance and local liquor store privilege license.

(21) "Liquor store" is the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(22) "Manufactured dwelling" shall mean a structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation.

(23) "May" is permissive; "shall" is mandatory.

(24) "Motel" shall have fifty (50) or more rooms, fully equipped with adjoining bath, bed with single, double, queen or king mattress and springs, necessary linens and pillows, dresser, chairs, reading lights, writing desk and comparable to all other rooms regularly offered for rental with a seating capacity of sixty (60) persons or more in the room where beverages are consumed and/or sold.

(25) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, joint stock company, or association. The masculine gender shall mean to include the feminine; the singular shall include the plural where indicated by the context.

(26) "Restaurant" shall mean any public place kept, used, maintained, advertised and held out to the public as a place where at least two (2) meals per day are actually and regularly served at least five (5) days per week, providing adequate and sanitary kitchen and dining room equipment, employing therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

(27) "Retail" shall mean the sale to a consumer or to any person for any purpose other than for resale.

(28) "Shall" is mandatory; "may" is permissive.

(29) "State liquor retailer's license" shall mean the license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201, et seq. permitting its holder(s) to sell alcoholic beverages at retail in Tennessee.

(30) "State statutes" shall mean all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages in effect now, or thereafter without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission.

(31) "Total taxable sales" shall mean those sales subject to state and local sales taxes.

(32) "Town" shall mean the Town of Gordonsville or the mayor and board of aldermen.

(33) "Wholesaler" means any person(s) who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(34) "Wine" means the product of normal alcoholic fermentation of the juice of grapes with the usual cellar treatment and necessary additions to correct defects, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (Ord. #06-08-14, Aug. 2006)

8-202. General selling and distribution. (1) It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the town except as provided by

Tennessee Code Annotated, title 57, strict compliance with all federal and state statutes, and by the rules and regulations promulgated hereunder and is provided under this chapter.

(2) Transfer of ownership or possession of any beer or alcoholic beverage by a licensee in any manner other than by retail sale is prohibited.

(3) No license shall be issued to any person who is elected or appointed; to a public national, state, county or town employee; or to any immediate family member of any elected or appointed official or public employee.

(4) It shall be unlawful for any such person to have any interest in such license either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business.

(5) Neither the applicant nor any persons employed, or to be employed by him in such distribution of sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(6) In the case that an employee is convicted of a felony while employed by a licensee, that person shall immediately be discharged after conviction provided that this provision not apply to any person whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(7) It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any business transaction unless their interest in such business and the nature, extent and character thereof shall appear on the application, or if the interest is acquired after the issuance of a license unless it is fully disclosed within fifteen (15) days of the transaction, submitted to the town recorder for perusal by the town attorney and approved within thirty (30) days of the transaction by the ABCB.

(8) No licensee shall be person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in a place of business to engage in the storage, sale or distribution of alcoholic beverages.

(9) A person, firm, corporation, joint stock company, syndicate, or association shall have an interest, either direct or indirect, in no more than one (1) store license under this chapter.

(10) Any person selling beer or alcoholic beverages within the corporate limits of the Town of Gordonsville shall be required to verify (by valid government issued identification) showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one (21) years prior to purchase. If not produced by the prospective buyer, the beverage shall not be sold.

(11) No licensee, or employee of licensee, shall allow upon the premises or in his place of business any person under the influence of any intoxicant; it shall be the duty of any licensee or employee to promptly notify the police.

(12) No owner, co-owner, operator, proprietor or employee of a licensee pursuant to this chapter shall drink, or be under the influence of any intoxicant, while working or on the premises of any such business. (Ord. #06-08-14, Aug. 2006)

8-203. Permit applications--generally. It shall be unlawful for any person, firm, corporation, joint stock company, syndicate, or association to offer for sale alcoholic beverages at retail, as herein before designated, without having first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, licensee's officers, employees, agents and representatives so that any violation of this chapter shall constitute a violation of this chapter by such licensee. (Ord. #06-08-14, Aug. 2006)

8-204. Beer permit applications. (1) Before being granted a permit to sell beer, or other beverages with an alcoholic content not exceeding five percent (5%) of weight, as herein before designated, without having first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

(2) Before any permit is issued by the ABCB, the applicant shall file with the ABCB a sworn petition, in writing, and shall establish the following:

- (a) The name and home address of the applicant(s);
- (b) The business name and location of the premises at which the business shall be conducted; and
- (c) The owner(s) of such premises.

(3) Applicant shall state as to whether the permit for the sale of beer is sought for consumption on the premises or for sale to be carried off the premises with no consumption on the premises.

(4) If the application is for consumption on the premises, the applicant shall state:

- (a) The nature of the business;
- (b) Seating capacity of the facilities; and
- (c) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(5) If the application is for a grocery store, drug store, or convenience store with all sales to be carried off the premise and no consumption on the premise, the applicant shall state:

- (a) How many years that he has been in business at the premises; and

(b) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(6) All applications with a non-refundable two hundred fifty dollars (\$250.00) application fee attached, shall be submitted to the town recorder.

(7) Neither the applicant nor any persons employed, or to be employed by him in such distribution of sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(8) The applicant shall not have had a license revoked for the sale of legalized beer or other alcoholic beverages.

(9) Applications shall state whether the applicant will manage the business in person, or in acting as agent.

(10) No brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(11) The applicant shall be within the approved zoning district for the sale of beer, or other beverages with an alcoholic content not exceeding five percent (5%) of weight, as herein before designated, as set forth by the valid, current Gordonsville Zoning Ordinance in effect.

(12) The applicant shall not thereafter convey, or grant any brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, with any interest in either the business which is licensed to be carried on, or in any other property at which such business may thereafter be carried on.

(13) The applicant shall have, at the time of making such application, no indebtedness or other financial obligation to any brewer or distiller of legalized beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight; and will not during the period such license shall be in force, contract any financial obligation to any brewer or distiller of legalized beer or other alcoholic beverage other than for the purpose of such beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight.

(14) Applications shall be verified by the affidavit of the applicant, or a duly authorized officer of the applicant, made before a notary public.

(15) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB. (Ord. #06-08-14, Aug. 2006)

8-205. Other alcoholic beverage permit applications. (1) Before being granted a permit to sell alcoholic beverages, as herein before designated, a license must have first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

(2) Before any permit is issued by the ABCB, the applicant shall file with the ABCB a sworn petition, in writing, and shall establish the following:

- (a) The name and home address of the applicant(s);
- (b) The business name and location of the premises at which the business shall be conducted; and
- (c) The owner(s) of such premises.

(3) Applicant shall state as to whether the permit for the sale of the alcoholic beverages is sought for consumption on the premises or for sale to be carried off the premises with no consumption on the premises.

(4) If the application is for consumption on the premises, the applicant shall state:

- (a) The nature of the business;
- (b) Seating capacity of the facilities; and
- (c) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(5) If the application is for a liquor store with all sales to be carried off the premises and no consumption on the premises, the applicant shall state:

- (a) How many years that he has been in business at the premises; and
- (b) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(6) All applications, with a non-refundable two hundred fifty dollars (\$250.00) application fee attached, shall be submitted to the town recorder.

(7) Neither the applicant nor any persons employed, or to be employed by him in such distribution or sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(8) The applicant shall not have had a license revoked for the sale of any alcoholic beverages.

(9) Applications shall state whether the applicant will manage the business in person, or acting as agent.

(10) No brewer or distiller of alcoholic beverages shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(11) No brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(12) The applicant shall not thereafter convey, or grant any brewer or distiller of legalized beer, or any other alcoholic beverage any interest in either the business which is licensed to be carried on, or in any other property at which such business may thereafter be carried on.

(13) The applicant shall have, at the time of making such application, no indebtedness or other financial obligation to any brewer or distiller of alcoholic beverages; and will not during the period such license shall be in force, contract any financial obligation to any brewer or distiller of alcoholic beverages.

(14) Applications shall be verified by the affidavit of the applicant, or a duly authorized officer of the applicant, made before a notary public.

(15) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB. (Ord. #06-08-14, Aug. 2006)

8-206. Permits--authority; transfer; fees; and forfeitures.

(1) Authority. The alcoholic beverage control board is designated, appointed and given authority for the purpose of granting, refusing, rescinding, suspending or revoking permits for the sale, storage and warehousing of any alcoholic beverage within the corporate limits of Gordonsville, Tennessee.

(a) It shall be unlawful for any person, firm, corporation, joint stock company, syndicate, or association to offer for sale, or sell any alcoholic beverage(s) without having first applied to, and received from, the ABCB a permit authorizing them to make such sale.

(b) Before being granted a permit to sell any alcoholic beverage, a nonrefundable application fee of two hundred fifty dollars (\$250.00) shall be paid to the Town of Gordonsville in certified funds or by certified check.

(c) Any application for a liquor store license must be accompanied by a valid and duly issued state liquor retailer's license.

(d) All permits and licenses mandated by federal, state or local statutes shall be displayed and posted in a conspicuous place in the licensee's store at all times.

(2) Permit transfer. (a) No permit shall be transferable.

(b) A permit is immediately null and void should the holder of a permit, whether it be a person, firm, corporation, joint stock company, syndicate or association, go out of business, move its place of business from one point in Gordonsville, Tennessee to another point within said town; the permit granted shall be rescinded and of no further force or effect.

(c) A permit shall be immediately null and void should the holder of a permit, whether it be a person, firm, corporation, joint stock company, syndicate or association, sell the business or otherwise transfer management.

(i) The town recorder may issue a temporary permit to the new owner or transferee to remain in effect until the ABCB can act on a new application.

(ii) Should a new applicant obtain a license to sell alcoholic beverages for on-premise consumption from the State of

Tennessee Alcoholic Beverage Commission, the town recorder may issue a temporary permit to the new applicant to remain in effect until the ABCB can act on a new application.

(iii) If a new applicant for a liquor store to sell retail alcoholic beverages for off-premise consumption obtains a state liquor retailer's license, the town recorder may issue a temporary permit to the new applicant to remain in effect until the ABCB can act on a new application.

(d) Permits issued hereunder shall remain in full force and effect until they are canceled, revoked or suspended.

(3) Permit forfeiture. (a) Any person, firm, corporation, joint stock company, syndicate, or association granted a permit to sell or distribute alcoholic beverages who shall, after having obtained said permit, be convicted by any court of competent jurisdiction of any violation of the laws against possession, sale, manufacture, and/or transportation of intoxicating liquor, or of any crime involving moral turpitude, forthwith shall immediately, forfeit his or its permit to any beverage with an alcoholic content within the corporate limits of Gordonsville, Tennessee.

(b) Each sale of any alcoholic beverage, after any conviction, shall be deemed to constitute a separate offense.

(4) Permit authorization. In order to protect the general welfare and morals of the residents of the Town of Gordonsville, Tennessee, and to avoid the congestion of traffic or interfere with the public health, safety and morals of the citizens, it shall be unlawful to possess alcoholic beverages for the purpose of resale except an alcoholic beverage store, restaurant, hotel, motel, grocery store, drug store or convenience store which qualifies under the rules and regulations herein prescribed.

The business permitted shall not be within three hundred feet (300') of any church, school, publicly licensed or governmentally operated day care center or public gathering place. (Ord. #06-08-14, Aug. 2006)

8-207. Permits for off-premise consumption of beer sales. (1) No permit for the sale of beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity for off-premise(s) consumption except to a legitimately operated full-line grocery store, drug store or convenience store.

(2) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(3) Annual sales of beer, or any beverage with an alcoholic content not exceeding five percent (5%) of weight, shall not exceed twenty-five percent (25%) of total taxable sales; those sales subject to state and local sales taxes.

(4) Holders of beer permits issued under provision(s) of this section shall include on their business tax return, submitted to the town recorder each

year, the total amount of their beer sales and their total taxable sales for the tax period being reported.

(5) Notwithstanding the provisions set forth hereunder in this chapter, no permit shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity which has the principal purpose of the sale of beer or any other beverage with an alcoholic content not exceeding five percent (5%) of weight. (Ord. #06-08-14, Aug. 2006)

8-208. Permits for off-premise consumption of other alcoholic beverages. (1) No permit for the sale of any other alcoholic beverage shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity for off-premise(s) consumption except to a legitimately operated full-line alcoholic beverage store.

(2) Any retail sales for off-premise consumption must be made within a designated alcoholic beverage store located within the applicable current zoning regulations of the corporate town limits.

(3) All alcoholic beverage stores shall be constructed and designed as follows:

(a) Shall be a permanent type of structure in a material and design approved by the alcoholic beverage control board prior to construction approval;

(b) No store shall be located in a manufactured or other movable or prefabricated type of building;

(c) All stores shall have night lights surrounding the outside of the building, premises lighted with automatic street lights and equipped with a functioning fire and burglar alarm systems on the inside of the premises;

(d) The minimum square footage of any store shall be one thousand five hundred (1,500) square feet with full, free and unobstructed vision afforded to and from the street and public highway to the interior of the store by way of large windows in the front and, to the extent practical, to the sides of the building with no seating facilities (except for employees on duty at the store);

(e) Entertainment devices of any kind, including but not limited to, pinball machines, music machines, arcade games, etc. are prohibited;

(f) No advertising signage of any kind outside the building shall be permitted except the name of the store on the front facade not exceeding twenty (20) square feet in dimension and not extending more than twelve inches (12");

(g) Neon signs, reader boards, changeable copy signs, banners and temporary signs are prohibited for alcoholic beverage stores;

(h) All retail sales of alcoholic beverages shall be confined to the inside premises of the store with no curb service or drive-thru windows nor receiving an order for a consumer for any alcoholic beverages at a

residence or place of business of such consumer (not to be construed as to prohibit the delivery or solicitation by a state licensed wholesaler of any order or delivery of any order from any licensed retailer at the licensed premises).

(i) Provide to the town recorder eight (8) copies of a scale plan drawn to a scale (not less than one inch equals twenty feet (1" = 20')) showing the following information:

(i) The shape, size, height and location of the lot which the store is to be operated under the license;

(ii) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(iii) The off-street parking, loading and unloading space including the vehicular access to be provided from these areas to a public street;

(iv) The identification of every parcel of land within three hundred feet (300') of the lot upon which the liquor store is to be built/operated indicating ownership, location of any structures thereon, current use and present zoning classification as determined by the official Gordonsville Zoning Map; and

(v) Signed and verified by each person to have any interest in the store or land, either as owner, partner, stockholder or otherwise.

(4) If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application from or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group or licensee shall be deemed to have violated the provisions of this chapter and the application may be disregarded.

(5) After approval, the store shall be opened within six (6) months of receipt of a local liquor store license (one (1) three (3) month extension may be granted by the ABCB if requested in writing, stating circumstances beyond the control of the licensee or owner that is delaying opening) or the license will be deemed canceled and revoked by the passage of this amount of time. (Ord. #06-08-14, Aug. 2006)

8-209. Permits for on-premise consumption. (1) 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 Gordonsville.

(2) It is the express intent of the mayor and board of aldermen that the said Tennessee Code Annotated, title 57, chapter 4 inclusive, shall be effective in the corporate limits of Gordonsville, the same as if said code sections were copied herein verbatim.

(3) No licensee shall permit alcoholic beverage consumption on the licensed premises between the hours of 3:00 A.M. and 8:00 A.M. Monday through Saturday or on Sunday between the hours of 3:00 A.M. and 10:00 A.M. (Ord. #06-08-14, Aug. 2006)

8-210. Hotel and motel permits. (1) A permit may be issued for the sale of alcoholic beverages for on-premises consumption to any hotel or motel that has been licensed by the State of Tennessee Alcoholic Beverage Commission to sell alcoholic beverages for on-premises consumption.

(2) A permit shall not be issued for the sale of alcoholic beverages for consumption on the premises of any hotel or motel that has not been licensed by the State of Tennessee Alcoholic Beverage Commission unless such hotel or motel shall have a seating capacity of sixty (60) persons or more in the room where beverages are to be sold at retail and consumed on the premises.

(3) Such hotel or motel shall have fifty (50) or more rooms; said rooms to be fully equipped with adjoining bath, single, double, queen or king mattress and springs with necessary linens and pillows, dresser, chairs, reading lights, writing desk, and comparable to all other rooms regularly offered for rental. (Ord. #06-08-14, Aug. 2006)

8-211. Restaurant permits. (1) A permit shall not be issued for consumption on-premises to any restaurant that has not been licensed by the State of Tennessee Alcoholic Beverage Commission unless such restaurant shall have a seating capacity of one hundred (100) or more seats.

(2) A restaurant shall be a public place kept, used, maintained, advertised and held out to the public as a place where the serving of meals be the principal business conducted.

(a) At least two (2) meals per day (either breakfast, lunch or dinner) shall actually and regularly be served at least five (5) days a week; with the exception of holidays, vacations (two (2) weeks per calendar year), and periods of redecorating (maximum of four (4) weeks).

(b) Such place shall be provided with adequate and sanitary kitchen and dining room equipment and have employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. (Ord. #06-08-14, Aug. 2006)

8-212. Privilege taxes. (1) Beer and on-premise consumption. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied annual privilege taxes.

(a) The same amount privilege tax as levied by Tennessee Code Annotated, title 57, chapter 4, section 301, shall be paid to the Town of Gordonsville's General Fund annually by any person, firm, corporation, joint stock company, syndicate or association engaging in the business of

selling alcoholic beverages for consumption on the premises, where sold as retail, in the Town of Gordonsville.

(b) The same amount privilege tax as levied by Tennessee Code Annotated, title 57, chapter 4, section 301, shall be remitted to the town recorder annually by any person, firm, corporation, joint stock company, syndicate or association engaging in the business of selling alcoholic beverages for the privilege of selling alcoholic beverages for consumption on the premises in the Town of Gordonsville.

(c) Such payment shall be remitted to the town recorder not less than thirty (30) days following the end of each twelve (12) month calendar period.

(d) 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.

(e) 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.

(2) Off-premise consumption. (a) All alcoholic beverage stores licensee(s) shall be levied with an inspection fee of eight percent (8%) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source (amount to be determined by the Gordonsville Board of Mayor and Aldermen within the statutes of the State of Tennessee).

(b) Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sales is made to the licensee; payment shall be made to the town recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month.

(c) Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's responsibility to see that the payment of the inspection fee for the applicable store is made to the town recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month.

(d) Wholesalers collecting and remitting the inspection fee to the town recorder shall be entitled to an administrative fee in the sum equal to five percent (5%) of the total amount of inspection fees collected and remitted; such reimbursement to be deducted and shown on the monthly report provided to the town recorder.

(e) Failure to pay the inspection fees and provide timely, accurate reports shall be cause for suspension of the offending licensee's local liquor store privilege license for a maximum of thirty (30) days at the sole discretion of the town recorder; revocation of the license may occur at the sole discretion of the ABCB.

(i) Each such action may be taken by giving written notice to the licensee.

(ii) No hearing with respect to such an offense is required.

(iii) If a licensee has their license revoked, suspended or otherwise removed and owes the town inspection fees at the time of such suspension, revocation or removal, the town attorney shall file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees.

(iv) Each licensee who fails to pay, or have paid on their behalf, the inspection fees imposed hereunder shall be liable to the town for a penalty on the delinquent amount due in the amount of ten percent (10%) per thirty (30) day period delinquency of the inspection fee.

(v) In addition to any records specified in state statutes, each licensee shall keep on file, at such licensee's store, the following records:

(A) Original invoices of all alcoholic beverages brought by the licensee;

(B) Original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(C) Current daily record of all gross sales by such licensee with evidence of cash register receipts for each day's sales;

(D) Accurate record of all alcoholic beverages lost, damaged or disposed of other than by sale that shows the date, quantity, brands of alcoholic beverages involved, and the name of the person(s) receiving the same; and

(E) All records shall be preserved for a period of a minimum of twenty-four (24) months unless the town recorder gives the licensee written permission to dispose and/or move such records at an earlier time.

(f) The town recorder and chief of police or authorized representative, are authorized to examine the premises, books, papers and records of any alcoholic beverages store at any time the store is open for business for the purpose of determining whether the provisions of this chapter are being observed.

Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation and non-renewal of the local liquor store privilege license of the offending licensee.

(g) Each license shall expire on December 31 of each year, subject to renewal each year by compliance with all applicable federal,

state and local statutes and compliance with all provisions of this chapter. (Ord. #06-08-14, Aug. 2006)

8-213. Alcoholic beverage control board. The mayor and board of aldermen, at its discretion, may serve as the ABCB, or may by resolution, establish a separate, independent ABCB.

(1) Upon establishment of the ABCB, the mayor and board of aldermen shall appoint two (2) private individuals to serve on the board. The board, at all times after its establishment, shall consist of the mayor serving as chairman, two (2) sitting members from the board of aldermen, and two (2) private individuals. Other than the mayor serving as chairman, all other members shall be chosen by the board of aldermen and serve two (2) year terms.

(2) A member whose term has expired shall continue to serve until his/her successor is appointed in the manner as herein provided.

(3) In the event of death or resignation of a board member prior to the expiration of his/her term, a successor shall be appointed for the unexpired term in the same manner as the deceased or retiring board member was appointed, and shall take office immediately upon appointment.

(4) No person shall be appointed to the ABCB unless he or she is a resident of the Town of Gordonsville.

(5) Members of the ABCB shall administer the laws governing alcoholic beverages as enacted by the State of Tennessee and the Town of Gordonsville.

(6) The ABCB shall have no legislative powers.

(7) The mayor and board of aldermen may terminate the ABCB by resolution. (Ord. #06-08-14, Aug. 2006)

8-214. Regulations and restrictions for operation. (1) Any person, firm, corporation, joint stock company, syndicate or association annexed into the corporate limits of Gordonsville, Tennessee, shall not be exempt from the provisions set forth hereunder this chapter whether retail and/or wholesale establishments.

(2) The applicant shall not engage in the sale of such beverages except at the place(s) for which the ABCB has issued permit(s) to such applicant.

(3) No sale of such beverage(s) will be made except in accordance with the permit granted.

(4) It shall be unlawful to sell, or offer for sale, any beverage falling within the provisions of this chapter to a person in an intoxicated, or partially intoxicated, condition.

(5) It shall be unlawful for any person(s), firm, corporation, joint stock company, syndicate or association to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Gordonsville between the hours of:

(a) 3:00 A.M. and 8:00 A.M. Monday through Saturday; and

(b) 3:00 A.M. and 10:00 A.M. on Sunday.

(c) No such beverages shall be consumed or opened for consumption on or about any premises where beer or other alcoholic beverage is sold within the corporate limits in either bottle, glass, or other container after 3:15 A.M.

(d) Convenience stores, grocery stores and drug stores shall be exempt from the provisions of subsections (5)(a) and (b) of this section. Subsection (5)(c) of this section specifically applies to all premises, including but not limited to, convenience stores, grocery stores, drug stores and alcoholic beverage stores.

(6) (a) It shall be unlawful to sell, or offer for sale, any beverage falling within the provisions of this chapter to a person under the age of twenty-one (21) years.

(b) Members of the armed forces, while on active duty status, are an exception.

(7) Grocery store, drug store or convenience store. (a) Annual sales of beer, or any beverage with an alcoholic content not exceeding five percent (5%) of weight, shall not exceed twenty-five percent (25%) of total taxable sales; those sales subject to state and local sales taxes.

(b) Holders of beer permits issued under provision(s) of this section shall include on their business tax return, submitted to the town recorder each year, the total amount of their beer sales and their total taxable sales for the tax period being reported.

(c) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(8) Permits issued hereunder shall remain in full force and effect until they are canceled, revoked or suspended by the ABCB.

(9) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(10) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB.

(11) It shall be unlawful for the management of any place where any alcoholic beverage is sold within the corporate limits of Gordonsville, Tennessee, to allow anyone under twenty-one (21) years of age to loiter about such place of business.

The burden of ascertaining the ages of customers under the age of twenty-one (21) years of age shall be upon the owner and/or operator of such place of business.

(12) It shall be unlawful, and a misdemeanor, for any person under twenty-one (21) years of age to obtain or purchase beer or alcoholic beverages within the corporate limits of the Town of Gordonsville, Tennessee, or to remain in a location where beer or alcoholic beverages is legally being sold under the

provisions of this chapter and where persons under the age of twenty-one (21) years are not allowed to loiter.

(13) All measurements of distances required in the application of this chapter shall be measured in a straight line from the nearest corner of the principal structure housing the church, school, publicly licensed or governmentally operated day care center or public gathering place to the nearest corner of the structure where beer or any alcoholic beverage is sold, warehoused or distributed.

(14) Advertisements. (a) Any person, firm, corporation, joint stock company, syndicate or association holding a lawful and valid permit as authorized in this chapter for retail sale of alcoholic beverages provided herein shall:

(i) Have no outside advertising of any type or kind whatsoever advertising that alcoholic beverages are sold on the premises; or

(ii) Advertising the various brands of alcoholic beverages which are sold on the premises.

(b) Any other advertising shall be confined to the interior of the premises for which the permit applies.

(15) Any and all permits authorized hereunder this chapter shall be restricted to:

(a) Businesses located within one thousand feet (1,000'), measured from the middle of the highway east or west of the rights-of-way of State Highway 53 in areas zoned C-2 under the most current Gordonsville, Tennessee Zoning Regulation Ordinance unless a special exception has been granted by the Gordonsville Planning Commission and the alcoholic beverage control board prior to authorization of permit.

(b) No permits shall be authorized hereunder this chapter to any businesses that allow pool, billiards or arcade gaming on premises.

(c) No permits shall be issued to businesses within three hundred feet (300') with all measurements of distances measured in a straight line from the nearest corner of the principal structure housing the church, school, publicly licensed or governmentally operated day care center or public gathering place to the nearest corner of the structure where beer or any alcoholic beverage is sold, warehoused or distributed. (Ord. #06-08-14, Aug. 2006)

8-215. Violations. (1) The ABCB is vested with the authority to conduct hearings on revocations or suspension of alcoholic beverage permits issued under this chapter.

(2) Complaints filed against any permit holder for the purpose of suspending or revoking such permit shall be:

(a) Made in writing; and

(b) Filed with the ABCB through the town recorder's office.

(3) The ABCB is vested with complete and full power to investigate charges against any permit holder who is cited to appear and show cause why his and/or its permit should not be suspended or revoked for the violation of the provisions of this chapter or the provisions of the State of Tennessee beer and alcoholic beverage laws.

(a) When the ABCB shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the State of Tennessee beer laws, the ABCB is authorized, at its discretion, to:

(i) Notify the licensee of said violations; and

(ii) Cite said permittee by written notice to appear and show cause why its permit should not be suspended or revoked for such violations. Said notice shall:

(A) State the alleged violations charged;

(B) Be served upon permittee either by registered mail or by an officer of the Gordonsville Police Department; and

(C) Be served upon the permittee at least ten (10) days before the date of the hearing.

(4) The ABCB, at the hearing for suspension or revocation of the beer permit issued under this chapter, shall: publicly hear the evidence both in support of the charges and on behalf of the licensee.

(5) After such hearing, if the charges are sustained by the evidence, the ABCB at its discretion may:

(a) Revoke said permit. (i) No new permit shall be issued hereunder for the sale of alcoholic beverages at the same location until the expiration of one (1) year from the date said revocation becomes final.

(ii) In the event any person, firm, corporation, joint stock company, syndicate or association holding has its permit revoked for a third violation of the provisions of this chapter or the provisions of the State of Tennessee, then that person, firm, corporation, joint stock company, syndicate or association shall not be granted a permit under the provisions of this chapter until the expiration of three (3) years from the date of said revocation becomes final.

(b) Suspend said permit. (i) Pursuant to Tennessee Code Annotated, § 57-4-202(b), upon suspension of an establishment's permit the ABCB may also suspend the establishment's authority to sell alcoholic beverages for the same period of time.

(ii) The ABCB shall serve notice of the suspensions of the Tennessee Alcoholic Beverage Commission, which shall:

(A) Review that suspension within thirty (30) days of receipt of such notice; and

(B) Render a decision affirming or reversing such suspension.

(iii) Failure of the alcoholic beverage commission to act within thirty (30) days shall be construed as an affirmation of such suspension.

(6) The action of the ABCB in all such hearings shall be final, subject only to review by the court as provided by the State of Tennessee.

(7) Any violation of the provisions of this chapter relative to the conducting of business as regulated herein shall be a misdemeanor punishable under the general penalty clause for this code.

(8) (a) The ABCB may at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand dollars (\$1,000.00) 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.

(b) 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 town recorder the civil penalty before the revocation or suspension shall be imposed.

(i) If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(ii) Payment of the civil penalty in lieu of suspension by a permit holder is an admission by such holder of the violation so charged and shall be paid to the exclusion of any other penalty that the Town of Gordonsville may impose. (Ord. #06-08-14, Aug. 2006)

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. ADULT ORIENTED BUSINESSES.

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

- 9-101. "Going out of business" sales.
- 9-102. License required for sale.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1994 Code, § 9-101)

9-102. License required for sale. No person, firm or corporation shall conduct any sale of the type defined in § 9-101 without applying to the recorder for a license therefor as prescribed by Tennessee Code Annotated, §§ 6-55-401 through 6-55-412. (1994 Code, § 9-102)

¹Municipal code references

Building and residential codes: title 12.

Junkyards: title 13, chapter 2.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Parades regulated: § 16-110.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1994 Code, § 9-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1994 Code, § 9-202)

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

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

¹Municipal code references

Trespassing: title 11, chapter 7.

Wholesale beer tax: title 5, chapter 4.

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1994 Code, § 9-203)

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

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

(3) If, on the other hand, the report indicates that the moral reputation and business responsibility of the applicant are satisfactory the town recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The town recorder shall keep a permanent record of all permits issued. (1994 Code, § 9-204)

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

shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1994 Code, § 9-205)

9-206. Bond. Every permittee shall file with the town recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1994 Code, § 9-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1994 Code, § 9-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1994 Code, § 9-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1994 Code, § 9-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1994 Code, § 9-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (1994 Code, § 9-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1994 Code, § 9-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1994 Code, § 9-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the town recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1994 Code, § 9-301)

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

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1994 Code, § 9-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1994 Code, § 9-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1994 Code, § 9-304)

CHAPTER 4

POOL ROOMS

SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-403. Minors to be kept out; exception.

9-401. 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. (1994 Code, § 9-401)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct or operate any place where pool tables or billiard tables are kept for public use or hire between the hours of 2:00 A.M. and 6:00 A.M. (Ord. #02-05-13, June 2002)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1994 Code, § 9-403)

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the Town of Gordonsville and its inhabitants under franchise granted to Rifkin Acquisition Partnership LLC by the Board of Mayor and Aldermen of the Town of Gordonsville. The rights, powers, duties and obligations of the Town of Gordonsville and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #02-02-11 dated Feb. 2002 in the office of the recorder.

CHAPTER 6

ADULT ORIENTED BUSINESSES

SECTION

- 9-601. Definitions.
- 9-602. Restrictions.
- 9-603. Regulations.
- 9-604. Zoning.

9-601. Definitions. (1) "Adult arcade." Any place which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "Adult bookstore." Any commercial establishment which, as one of its principal purposes, offers for sale or rental for any forms of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices, or paraphernalia which are designated for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or an adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the above any or all of the described materials.

(3) "Adult cabaret." A nightclub, bar restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity or semi-nudity;
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas."

(4) "Adult motel." A hotel, motel, inn or similar commercial establishment which offers:

- (a) Accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films,

motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has signage or advertising visible from the public right-of-way which suggests the availability of this type of adult photographic reproductions;

(b) Offers a sleeping room for rent for a period of time less than ten (10) hours; or

(c) Allows a tenant or occupant to offer a sleeping room to sub-rent the room for a period of time less than ten (10) hours.

(5) "Adult motion picture theater." A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" excluding, however, "R" and "NC-17" rated movies.

(6) "Adult theater." A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons in a state of nudity or semi-nude for live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) "Adult video store." Any commercial establishment which, as one of its principal purposes, offers for sale or rental for any forms of consideration any one (1) or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

(b) Instruments, devices, or paraphernalia which are designated for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or an adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the above any or all of the described materials.

(8) "Establishment." Includes and means any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not sexually oriented business, to any sexually oriented business;

(c) The additions of any sexually oriented business operation to any other business or sexually oriented business; or

(d) The relocation of any sexually oriented business.

(9) "Permittee" and/or "licensee." A person in whose name a permit or license to operate a sexually oriented business has been issued, as well as any person listed as an applicant on the application for a permit or license.

(10) "Nude model studio." Any place where a person who appears in a state of nudity, or displays "specified anatomical areas," is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who may pay money or any other forms of consideration.

(11) "Nudity" or "state of nudity." The exposure of, or the appearance of, a human bare buttock, anus, male genitals, female genitals or the female breast.

(12) "Person." An individual, proprietorship, partnership, corporation, association or any entity.

(13) "Semi nude." A state of dress in which the clothing covers no more than the genitals, pubic region, areola of the female breast, as well as portions of the body covered by supporting straps or other devices.

(14) "Sexual encounter center." A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, physical contact between persons of the same or opposite sex, to include such activities, but not limited to wrestling and tumbling, where any of the participants are in a state of nudity or semi nude.

(15) "Sexually oriented business." An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio or a sexual encounter center.

(16) "Specified anatomical areas." The male genitals and/or the vulva or more intimate parts of the female genitals, anus, or female breast.

(17) "Specified sexual activities." Includes and means any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, sodomy, oral copulation or masturbation; or

(c) Excretory functions, as part of or in connection with any of the activities set forth in subsections (a) and (b) above.

(18) "Substantial enlargement." The increase in floor areas occupied by the sexually oriented business by more than twenty-five percent (25%) of the original floor as it existed at passage of the ordinance comprising this chapter.

(19) "Transfer of ownership or control." Includes and means any of the following:

(a) The sale, lease or sub-lease of the sexually oriented business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except by transfer by bequest or other operation of law upon the death of the person possessing ownership or control. (Ord. #03-12-15, Dec. 2003)

9-602. Restrictions. All sexually oriented businesses are hereby prohibited within the corporate limits of the Town of Gordonsville. (Ord. #03-12-15, Dec. 2003)

9-603. Regulations. Notwithstanding § 9-602 of this chapter, and in the event a constitutional challenge to the ordinance comprising this chapter is made and succeeded in a court, the following provisions stated in §§ 9-603, 9-604 and 9-605 shall apply.

(1) This part applies to all sexually oriented business establishments, such as, but not limited to:

- (a) Adult arcades;
- (b) Adult bookstores;
- (c) Adult video stores;
- (d) Adult cabarets;
- (e) Adult motels;
- (f) Adult motion picture theaters;
- (g) Adult theaters;
- (h) Nude model studios; and
- (i) Sexual encounter centers.

(2) No sexually oriented business shall be operated or maintained in the town limits within two thousand five hundred feet (2,500'), measured in a straight line from the closest points from the property line to property line of:

- (a) A public or private elementary or secondary school;
- (b) Licensed day care center;
- (c) Church;
- (d) Public recreation facility;
- (e) Playground;
- (f) Park.

(3) No sexually oriented business shall be operated or maintained in the town limits within two thousand feet (2,000'), measured in a straight line from the closest point from property line to property line of any lot devoted to residential use, or to any residential zoning district boundary line.

In the event the location is adjacent to a lot equal to, or exceeding five (5) acres in size, devoted to a residential use within an agricultural zoning district, the spacing requirements will be three thousand feet (3,000'), measured in a straight line from the closest points from property line to property line.

(4) No sexually oriented business shall be operated or maintained in the town limits within two thousand feet (2,000'), measured in a straight line from the closest points from property line to property line of another sexually oriented business establishment.

(5) The determined distances are spacing requirements and are not subject to variances by the Gordonsville Board of Zoning Appeals. (Ord. #03-12-15, Dec. 2003)

9-604. Zoning. (1) No sexually oriented business establishments shall be allowed within the Town of Gordonsville, except in areas zoned pursuant to the Gordonsville zoning regulations.

(2) The determined zoning is not subject to variances by the Gordonsville Board of Zoning Appeals. (Ord. #03-12-15, Dec. 2003)

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Storage of food.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. 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 or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock, to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. (1994 Code, § 10-101)

10-102. 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. (1994 Code, § 10-102)

10-103. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

10-104. 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. (1994 Code, § 10-104)

10-105. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the governing body. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address and the animal or fowl will be humanely destroyed

or sold if not claimed within five (5) days. If the owner is not known a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. 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 within the specified period, the animal or fowl shall be sold, humanely destroyed, or otherwise disposed of as authorized by the governing body. (1994 Code, § 10-106)

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

10-206. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-113). (1994 Code, § 10-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1994 Code, § 10-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1994 Code, § 10-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1994 Code, § 10-204)

10-205. Noisy dogs prohibited. No person shall own, keep or harbor any dog which, by loud and frequent barking, whining or howling, annoys or disturbs the peace and quiet of any neighborhood. (1994 Code, § 10-205)

10-206. Seizure and disposition of dogs. The provisions of § 10-106 shall apply to any dog running at large or otherwise being kept in violation of this chapter. However, in no event shall a dog be released from the pound unless it has been vaccinated and has a tag placed on its collar. (1994 Code, § 10-206)

¹State law reference

Tennessee Code Annotated, §§ 68-8-107.

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

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

CHAPTER 1**ALCOHOL²****SECTION**

- 11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or to have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1994 Code, § 11-101)

11-102. Minors in beer places. No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1994 Code, § 11-102)

¹Municipal code references

Animals and fowls: title 10.

Building, utility, etc. codes: title 12.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1994 Code, § 11-201)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1994 Code, § 11-301)

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. (1994 Code, § 11-401)

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

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

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

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

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

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

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

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

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. 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. (1994 Code, § 11-402, modified)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Impersonating a government officer or employee.

11-502. False emergency alarms.

11-501. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1994 Code, § 11-502)

11-502. 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. (1994 Code, § 11-503)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Carrying handguns in parks prohibited.

11-601. Carrying handguns in parks prohibited. (1) Any person authorized¹ to carry a handgun under Tennessee Code Annotated, § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the Town of Gordonsville or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of Tennessee Code Annotated, § 39-17-1311(b)(1)(I).² However, this section does not prohibit lawful possession of any handgun in accordance with Tennessee Code Annotated, § 39-17-1311(b)(1)(A) through (H).³

(2) The Town of Gordonsville shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

"MISDEMEANOR. STATE LAW PRESCRIBES A
MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND
TWENTY-NINE (29) DAYS AND A FINE NOT TO
EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS

¹Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of Tennessee Code Annotated, § 39-17-1307, which is a Class E felony.

²The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this provision.

³The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of Tennessee Code Annotated, title 62, chapter 35.

(\$2,500.00) FOR CARRYING WEAPONS ON OR IN
PUBLIC RECREATIONAL PROPERTY."

(3) If a part of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

(4) This section takes effect from and after its passage, the welfare of the Town of Gordonsville requiring it.

CHAPTER 7

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing on trains.

11-702. Interference with traffic.

11-701. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1994 Code, § 11-701)

11-702. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1994 Code, § 11-703)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Caves, wells, cisterns, etc.

11-802. Posting notices, etc.

11-803. Halloween, wearing masks, etc.

11-801. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1994 Code, § 11-802)

11-802. Posting notices, etc. No person shall fasten, any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1994 Code, § 11-803)

11-803. Halloween, wearing masks, etc. (1) (a) It shall be unlawful for any minor, under age of eighteen (18) years to be on the public streets, alleys, playgrounds and any other public places or private ground not owned by said minor, within the town limits of Gordonsville after 8:00 P.M. on October 31, or any day designated as the day to celebrate "Halloween."

(b) Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(c) This section shall not affect the validity of any other curfew ordinance heretofore adopted and in effect within the corporate limits, but shall be an exception of the limitations to any ordinance.

(2) (a) It shall be unlawful for any person to possess in public, and on any street, highway, alley, public place of any property not belonging to said person within the town limits of Gordonsville, Tennessee, between the hours of 6:00 P.M. and 6:00 A.M., eggs, with the intent to throw same at persons or property.

(b) There shall be a rebuttable presumption that anyone who possesses any egg or eggs in public between the hours of 6:00 P.M. and 6:00 A.M., possesses said egg or eggs with the intent to throw said eggs at persons or property.

(c) Any person found guilty of possessing any egg or eggs shall be fined ten dollars (\$10.00) per egg.

(d) Any person found guilty of throwing any egg or eggs shall be fined fifty dollars (\$50.00).

(3) It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.

The following are exempted from the provisions of this section:

- (a) Children under the age of fourteen (14) years.
- (b) Workers, while engaged in work where a face covering is needed for health and/or safety reasons.
- (c) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (d) Any person having a special permit issued by the town to wear a traditional holiday costume.

Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(4) It shall be unlawful for any person or persons to maliciously throw any stone, stick, bottle, pumpkin or pumpkin parts, snowball, egg, or any other missile or object at any person, building or vehicle. Any person found guilty of violating this subsection shall be fined not less than fifty dollars (\$50.00) for throwing these objects with the intent of doing bodily harm to any person or doing damage to personal property.

(5) It shall be unlawful for any person to willfully, maliciously and intentionally damage, deface, destroy, conceal, tamper with, remove or withhold any real or personal property, which does not belong to him. Any persons found guilty of violation of this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(6) It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose, or for the purpose of annoyance or disturbance of citizens or travelers, or to do violence to the property of the town or person or property of another against the peace and to the terror of others, or to make any move or preparation of such unlawful acts.

It shall be unlawful for groups to march on the streets or by motorcade without having a special permit of permission from the mayor. Any person found guilty of violating this subsection shall be fined not less than five dollars (\$5.00) and no more than fifty dollars (\$50.00).

(7) It shall be unlawful to commit the following violations within the Town of Gordonsville:

- (a) To drink or consume any beer or other alcoholic beverage in any public place, park, or any street, alley or public thoroughfare.
- (b) To possess any open can, bottle, or any other open container containing beer on any school property, library property, church property, public playgrounds, public parks or public building or any parking lot open to public use or on business property other than those business places which have a license for on the premises consumption of beer.

(8) It shall be unlawful for any person to knowingly resist or any way interfere with or attempt to interfere with any officer or employee of the town

while such officer or employee is performing or attempting to perform his municipal duties. Any person found guilty of violating this offense shall be fined a maximum of fifty dollars (\$50.00). (1994 Code, § 11-805)

CHAPTER 9

FALSE ALARMS

SECTION

11-901. False fire alarms.

11-902. False burglary alarms.

11-901. False fire alarms. Any person, corporation, partnership or business having an alarm system for the purpose of fire protection within the incorporated limits of the Town of Gordonsville that falsely signals the police and/or fire department of the Town of Gordonsville and a response to the false alarm is made by the Town of Gordonsville, a penalty not to exceed twenty-five dollars (\$25.00) shall be imposed on the person, corporation, partnership or business. (Ord. #01-13-12, May 2001)

11-902. False burglary alarms. Any person, corporation, partnership or business having an alarm system for the purpose of security, theft and/or burglary within the incorporated limits of the Town of Gordonsville that falsely signals the police and/or fire department of the Town of Gordonsville and a response to the false alarm is made by the Town of Gordonsville, a penalty not to exceed one hundred fifty dollars (\$150.00) shall be imposed on the person, corporation, partnership or business. (Ord. #01-13-12, May 2001)

CHAPTER 10

CURFEW FOR MINORS

SECTION

- 11-1001. Purpose.
- 11-1002. Definitions.
- 11-1003. Curfew enacted; exceptions.
- 11-1004. Parental involvement in violation unlawful.
- 11-1005. Involvement by owner or operator of vehicle unlawful.
- 11-1006. Involvement by operator or employee of establishment unlawful.
- 11-1007. Giving false information unlawful.
- 11-1008. Enforcement.
- 11-1009. Violations punishable by fine.

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

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children.

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

- (1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
- (5) "Parent" means: (a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

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

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

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

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

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means:

(a) To linger or stay at or upon a place; or

(b) To fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-1003. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the Town of Gordonsville; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-1004. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter.

11-1005. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-1003 of this chapter using the motor vehicle.

11-1006. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-1007. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-1003 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-1008. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-1003 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-1003 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address

or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-1003, 11-1004, 11-1005, or 11-1006 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-1009. Violations punishable by fine. A violation of §§ 11-1003, 11-1004, 11-1005, or 11-1006 subsequent to receiving a verbal warning as provided in § 11-1008 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. ENERGY CONSERVATION CODE.
4. RESIDENTIAL CODE.
5. EXISTING BUILDING CODE.

CHAPTER 1**BUILDING CODE¹****SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Building permits--mobile homes.
- 12-104. Available in recorder's office.
- 12-105. 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,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 building code.

¹Municipal code references

Fire protection: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the governing body of the municipality. When the "Building Official" is named it shall, for the purposes of the building code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees, as amended from time to time, is available in the recorder's office.

It is the duty of anyone who owns, is in control of any residential dwelling, commercial building, or industrial building before beginning construction thereof, to obtain a building permit from the Town of Gordonsville. (1994 Code, § 12-102, modified)

12-103. Building permits--mobile homes. No mobile home, prefabricated structure, trailer, camper or other device shall in any manner be placed on any parcel of land within the town except in mobile home parks; until the owner or lessee hereof has secured from the town building inspector a permit to place device thereon. Said permit shall carry the same fee as that for a single family dwelling. (1994 Code, § 12-103)

12-104. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1994 Code, § 12-104)

12-105. 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. (1994 Code, § 12-105, modified)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, the International Plumbing Code,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 plumbing code.

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the governing body of this municipality.

Wherever "Code Official" is named or referred to, it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the plumbing code. (1994 Code, § 12-202, modified)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1994 Code, § 12-203)

12-204. 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. (1994 Code, § 12-204, modified)

¹Municipal code references

Street excavations: title 16.

Water and sewer system administration: title 18.

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

CHAPTER 3

ENERGY CONSERVATION CODE¹

SECTION

12-301. Energy conservation code adopted.

12-302. Modifications.

12-303. Available in recorder's office.

12-304. Violations and penalty.

12-301. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the International Energy Conservation Code,² 2009 edition, as prepared and maintained 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 code.

12-302. Modifications. When the "Code Official" is named it shall, for the purposes of the energy code, mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the energy code.

12-303. 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 recorder's office and shall be kept there for the use and inspection of the public.

12-304. Violations and penalty. It shall unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be

¹Municipal code references

Fire protection and fireworks: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and other services: titles 18 and 19.

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

punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

RESIDENTIAL CODE

SECTION

12-401. Residential code adopted.

12-402. Modifications.

12-403. Available in recorder's office.

12-404. Violations and penalty.

12-401. 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, 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 residential code.

12-402. Modifications. Wherever the residential code refers to the "Building Official," it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the residential code. Wherever the "Chief Appointing Authority" is referred to it shall mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the residential code. (modified)

12-403. 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.

12-404. 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. Each day a violation is allowed to continue shall constitute a separate offense.

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

CHAPTER 5

EXISTING BUILDING CODE¹

SECTION

12-501. Existing building code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations and penalty.

12-501. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the International Existing Building Code,² 2009 edition, as prepared by the International Code Council, is adopted and the same is incorporated herein by reference, subject to modifications as hereinafter provided, and shall be known and referred to as the existing buildings code.

12-502. Modifications. Whenever the standard existing buildings code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the governing body of the municipality. Whenever the existing buildings code shall refer to the "Code Official," it shall mean such person designated by the governing body of the municipality to administer and enforce the provisions of the various codes of the town.

12-503. Available in recorder's office. Pursuant to the requirements the Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing buildings code shall be placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public.

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the standard existing buildings code or any final order made pursuant thereto. Such violation is declared an offense against the town and for which punishment shall be a fine of not more than fifty dollars (\$50.00) for each such violation. Each day that a violation

¹Municipal code references

Fire protection and fireworks: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and other services: titles 18 and 19.

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

occurs shall be deemed a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the town any person, firm or corporation found to be in such violation.

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. AUTOMOBILE JUNKYARDS.
3. OPEN BURNING.

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

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1994 Code, § 13-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1994 Code, § 13-102)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property. (1994 Code, § 13-103)

¹Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1994 Code, § 13-104)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1994 Code, § 13-105)

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. (1994 Code, § 13-106)

13-107. House trailers. It shall be unlawful for any person to park, locate or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1994 Code, § 13-107)

CHAPTER 2

AUTOMOBILE JUNKYARDS

SECTION

13-201. Regulation.

13-202. Definition.

13-203. Restriction.

13-204. Notice.

13-205. Remedy.

13-206. Penalty.

13-201. Regulation. It is hereby established that the Town of Gordonsville may regulate and license the maintenance of automobile junkyards and may prescribe fines and other punishment for violation of this chapter. (Ord. #01-04-09, Aug. 2001)

13-202. Definition. An automobile junkyard is defined as any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. (Ord. #01-04-09, Aug. 2001)

13-203. Restriction. (1) No automobile junkyard shall be established within five hundred feet (500') of any street in the Town of Gordonsville, nor shall any automobile junkyard be established within one thousand feet (1,000') of any residence or dwelling as measured from the boundary line of the property on which the dwelling or residence is situated, provided that the aforementioned provision does not apply to properties specifically zoned by the Town of Gordonsville for use as an automobile junkyard.

(2) Any person who maintains an automobile junkyard shall erect a fence not less than eight feet (8') high and shall conceal the automobile junkyard from view of adjoining landowners or town streets. (Ord. #01-04-09, Aug. 2001)

13-204. Notice. The Town of Gordonsville shall notify the owner of record or occupier of the automobile junkyard by written notice addressed to the last known address of the owner of record or occupier to remedy the noted condition and bring said automobile junkyard in compliance within fifteen (15) days from the date of said notice. (Ord. #01-04-09, Aug. 2001)

13-205. Remedy. If the owner of record or the occupier refuses to remedy the condition to be remedied, the Town of Gordonsville may impose a fine, seek injunctive relief through any court of competent jurisdiction and impose a lien on property. (Ord. #01-04-09, Aug. 2001)

13-206. Penalty. The penalty for violation of any provision of this chapter shall be a fine no greater than fifty dollars (\$50.00) for each offense.

Every day the condition remains without remedy shall constitute a separate offense. (Ord. #01-04-09, Aug. 2001)

CHAPTER 3

OPEN BURNING¹

SECTION

- 13-301. Permit regulations.
- 13-302. Application process.
- 13-303. Fee schedule.
- 13-304. Safety restrictions.
- 13-305. Time limits.
- 13-306. Supervision.
- 13-307. Violation and penalty.

13-301. Permit regulations. (1) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit open burning of any kind without having first obtained a permit as herein required, and without complying with the provisions of this chapter. It shall also be unlawful to violate, or vary from the terms of any such permit, except as provided in subsections (2) and (3) below.

(2) Open burning, as described in this section, may be conducted without permits provided that no public nuisance is, or will be, created by such burning.

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

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

(5) Open burning shall be allowed inside the corporate limits of the town when a valid permit has been obtained from the mayor, fire chief or designate. (Ord. #980511, May 1998)

13-302. Application process. (1) Applications for such permits shall be made to the fire chief, mayor or such person as designated to receive such applications, and shall state the following nonexclusive:

- (a) Location of the intended open burning;
- (b) Purpose;

¹Municipal code reference
Fire code: title 7, chapter 1.

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

The mayor, fire chief or designate will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the mayor, fire chief or designate, may issue an open burn permit, written or verbally, subject to terms and conditions provided herein. (Ord. #980511, May 1998)

13-303. Fee schedule. No fee shall be required to obtain an open burning permit. (Ord. #980511, May 1998)

13-304. Safety restrictions. (1) Any person, firm, corporation, association or others requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused.

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

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

(4) Fires should not be left unattended.

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

(6) The fire department shall have the authority to forbid, restrict, or suspend any and all burning when the fire chief, or the senior fire officer in charge, has determined that conditions are hazardous for outdoor fires. (Ord. #980511, May 1998)

13-305. Time limits. (1) Any person, firm, corporation, association or others open burning shall have all fires extinguished one (1) hour before dark unless § 13-501 subsection (2) or (3) is applicable and/or the volunteer fire department¹ has previously been advised.

¹Municipal code reference

Volunteer fire department: title 7, chapter 2.

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

(3) Each permit shall be granted for a maximum of three (3) days, except as provided in subsection (2) above. (Ord. #980511, May 1998)

13-306. Supervision. Fires should not be left unattended. (Ord. #980511, May 1998)

13-307. Violation and penalty. (1) Any violation of this chapter shall constitute an offense and shall be punishable by a penalty under the general penalty provision of this municipal code; by revocation of permit, or by both penalty and revocation.

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

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

(4) Violation of any provision of this chapter is hereby declared to be unlawful and shall be punishable as prescribed in the general penalty clause of this municipal code, Town of Gordonsville and/or as noted in this chapter. Each violation and/or each day any such violation occurs shall be deemed a separate offense.

(5) In addition to the penalties provided in the foregoing subsections, whenever a person, firm, corporation, association or others violate any provision of this chapter or fail to comply with any requirement of the Town of Gordonsville under authority of this chapter, the town may petition the appropriate court(s) for injunctive relief. (Ord. #980511, May 1998)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION REGULATIONS.
4. TOWERS AND ANTENNAS.
5. SUBDIVISION REGULATIONS.

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

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) 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 three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one, two, and three years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1994 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with all Tennessee Code Annotated, title 13. (1994 Code, § 14-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

- 14-201. Definitions.
- 14-202. General provisions.
- 14-203. Zoning districts and map.
- 14-204. Specific district regulations.
- 14-205. Supplementary regulations.
- 14-206. Administration and enforcement.

14-201. Definitions.¹ Unless otherwise stated, the following words shall, for the purpose of this ordinance, be interpreted as follows:

(1) "Alley." Any public or private way set aside for public travel less than twenty-two feet (22') in width which affords a secondary means of vehicular access to abutting property.

(2) "Automobile storage" or "parking space." An area reserved and suitable for automobile storage, standing or parking space. Each parking or standing space shall be a minimum of two-hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

(3) "Boarding or rooming house." Any dwelling in which three (3) or more persons either individually or as families are housed for hire with or without meals.

(4) "Buffer strip." A greenbelt planted strip not less than ten feet (10') in width. Such a greenbelt planted strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty feet (20') apart, and not less than two (2) rows of staggered shrubs or hedges, spaced not more than five feet (5') apart and which grow to a height of five feet (5') or more after one (1) full growing season and which shrubs will eventually grow to not less than ten feet (10').

(5) "Building." Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers (mobile homes), billboards, signs, and similar structures whether stationary or movable.

(a) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on

¹The present tense includes the future tense, the singular includes the plural, and the plural number includes the singular.

which it is situated. Carports and garages if attached to the building are deemed part of the principal building.

(b) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(6) "Dwelling." A house, apartment building, mobile home, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels or other permanent structures designed for transient residence.

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

(b) "Multi-family." A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(7) "Dwelling unit." A building or portion thereof providing complete housekeeping facilities for one (1) family.

(8) "Family." One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

(9) "Height of building." The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flag poles, masts, or aerials.

(10) "Home occupation." An occupation carried on in the home, provided that such occupation be incidental to the residential use to the extent that no more than twenty-five percent (25%) of the total usable area of the principal and accessory buildings is occupied by such occupation; no service be offered on the premises except that produced by such occupation; such occupation shall not require internal or external alteration or construction features, no on-site sale of retail items be allowed equipment or machinery not customary in residential areas. See § 14-205(4)(c) for a comprehensive listing of applicable development standards. Should a question arise as what activities qualify as being incidental, a decision by the board of zoning appeals shall rule.

(11) "Landscape treatment." The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

(12) "Loading space, off-street." Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

(13) "Lot." A piece, parcel or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces

required in this ordinance. All lots shall front on and have access to a street. "Lot" includes the words "plot" or "parcel."

(14) "Lot depth." Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(15) "Lot frontage." The front of a lot shall be construed to be the portion nearest to the street.

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

(17) "Lot of record." A lot which is part of a subdivision recorded in the office of the county registrar, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(18) "Lot width." The distance between the side boundaries of the lot measured at the front building line.

(19) "Mobile home." A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on a 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 assembling operations, location on jacks or permanent foundation, connection to utilities, and the like.

(20) "Mobile home park." A lot, portion, or parcel of land designed for or which is intended to be used to the accommodation of two (2) or more residential mobile homes or trailers.

(21) "Non-complying." Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:

(a) Location along district boundary;

(b) Accessory off-street parking and loading; either on the effective date of this ordinance or as a result of any subsequent amendment.

(22) "Non-conforming use." A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the zone in which it is located.

(23) "Parking space." An area reserved and suitable for automobile storage, standing, or parking. Each parking space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street.

(24) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(25) "Shall" is mandatory; the word "may" is permissive.

(26) "Sign." An attached or free-standing structure conveying some information, knowledge, or idea to the public.

(27) "Special exception (use permitted upon appeal)." A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the Gordonsville Board of Zoning Appeals.

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

(29) "Street." A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

(a) "Centerline of street." That line surveyed and marked by the Town of Gordonsville as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(30) "Structure." Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

(31) "Total floor area." The area of all floors of a building including finished attics, finished basements, and covered porches for purposes of habitation.

(32) "Used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

(33) "Variance." A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

(34) "Yard." A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however that fences, walls,

poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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

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

(c) "Side yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches. (Ord. #03-12-00, Dec. 1987)

14-202. General provisions. For the purpose of the zoning ordinance there shall be certain general provisions which shall apply, except as specifically noted, to the town as a whole.

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

(2) Nonconforming lots and nonconforming uses of land. Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming and any use which shall become nonconforming upon enactment of this ordinance or any subsequent amendments thereto may be continued subject to the following provisions.

(a) Nonconforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimension and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the board of zoning appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this

ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

(b) Change of nonconforming use. (i) General provisions. For the purpose of this section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

(ii) Change to a conforming use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(iii) Change to another nonconforming use. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to protect the area.

(c) Expansion of nonconforming uses. Nonconforming industrial, commercial or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning. Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

(d) Destruction and restoration of nonconforming uses.

(i) Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in Tennessee Code Annotated, § 13-7-208.

(ii) Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may

be reconstructed provided that all provisions of Tennessee Code Annotated, § 13-7-208, are followed.

(e) Discontinuance. When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

(3) Number of principal structures on a lot. (a) In the R-1, Residential District, and the C-1, General Business District, only one (1) principal structure and its customary accessory structures shall hereafter be erected on any individual lot.

This provision does not apply to group housing developments, including mobile home parks, provided they adhere to separate provisions subsequently outlined in this ordinance.

(b) No building shall be erected on a lot which does not abut at least one (1) public street, unless an easement at least fifty feet (50') in width to a street is provided and such easement is accepted as a public thoroughfare. Such building shall conform to the lot and yard requirements of the district in which it is located.

(4) Rear yard abuts a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

(5) Reductions in lot area prohibited. No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(6) Obstruction to vision at street intersection prohibited. On a corner lot within the area formed by the center lines or the intersecting or intercepting streets and a line joining points on such center lines at a distance of fifty feet (50') from their intersection, there shall be no obstruction to vision between their height of three and one-half feet (3 1/2') and a height of ten feet (10') above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

(7) Off-street automobile storage (parking). (a) In all districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission.

(i) Single- and two-family dwellings. Not less than two (2) spaces for each dwelling unit.

(ii) Multiple-family dwellings. Not less than one and one-half (1 1/2) spaces per dwelling unit.

(iii) Boarding houses and rooming houses. Not less than one (1) space for each one (1) room occupied by boarders or roomers.

(iv) Tourist accommodations. Not less than one (1) space for each room offered for tourist accommodations.

(v) Churches. One (1) space per five (5) seats; or one (1) space per forty (40) square feet of auditorium floor space, whichever is greater.

(vi) Hotels. Not less than one (1) space for each guest room.

(vii) Manufacturing or other industrial use. Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

(viii) Commercial building or use. Two (2) spaces for each two hundred (200) square feet of floor space in general business districts.

(ix) Shopping centers. Two (2) spaces for each one hundred (100) square feet of floor space.

(x) Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of usable floor space, whichever is greater.

(xi) Filling stations. Three (3) spaces for each grease rack or similar facility, plus one (1) space for each two (2) employees.

(xii) Theaters, auditoriums, stadiums, or other uses designed to draw an assembly of persons. Not less than one and one-half (1 1/2) spaces for each five (5) seats provided in such place of assembly.

(xiii) Offices. One (1) space for each one hundred (100) square feet of office space.

(xiv) Restaurants. One (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of floor area.)

(b) Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

(c) Combination of required parking space. The required parking space for any number of separate uses may be combined in one

(1) lot but the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(d) Remote parking space. If the off-street parking space required by the zoning ordinance cannot be reasonably provided that on the same lot on which the principal use is located, such space may be provided on any land within four hundred feet (400') of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purposes so long as no other adequate provision of parking space, meeting the requirements of the zoning code, has been made for the principal use.

(e) Requirements for design of parking lots. (i) Except for parcels of land devoted to one- and two-family residential uses, 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 to obtain egress.

(ii) Each parking space shall be no less than two hundred (200) square feet in area.

(iii) Entrances and exits for all off-street parking lots shall comply with the requirements of § 14-202(8) of this chapter.

(iv) The parking lot shall be drained to eliminate surface water.

(8) Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(a) a point of access for vehicles onto a street shall not exceed thirty feet (30') in width.

(b) There shall be no more than two (2) points of access to any one (1) public street for each four hundred feet (400') of lot frontage, or fraction thereof; provided, however, that lots less than eighty feet (80') in width shall have no more than one (1) point of access to any one (1) public street.

(c) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five feet (25').

(d) No point of access shall be allowed within fifteen feet (15') of the right-of-way line of any public intersection.

(e) No curbs on town streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

(f) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

(9) Off-street loading and unloading space required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley.

Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area in Square Feet for Each Principal Building	Spaces Required
0 to 5,000 sq. ft.	One (1) space
5,000 to 10,000 sq. ft.	Two (2) spaces
10,000 to 15,000 sq. ft.	Three (3) spaces
15,000 to 20,000 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces plus one (1) space for each additional 20,000 sq. ft.

(10) Maximum building height. (a) For all residential structures the maximum building height shall be thirty-five feet (35') or three (3) stories.

(b) For all other permitted structures the maximum building height shall be fifty feet (50') or four (4) stories; provided that for other structures, in addition to general yard requirements, one foot (1') shall be added to required front and side yards for each foot of height over thirty-five feet (35').

(c) These provisions do not apply to spires, towers, domes not for human occupancy, flag poles, masts, silos, chimneys, or aerials. (Ord. #03-12-00, Dec. 1987)

14-203. Zoning districts and map. (1) Establishment of districts. For the purpose of this ordinance, the Town of Gordonsville is hereby divided into zoning districts, as follows:

- (a) R-1, Residential District;
- (b) C-1, General Business District;
- (c) I-1, Light Industrial District;

(d) I-2, Heavy Industrial District;

(e) A-1, Agricultural District.

(2) Provision for official zoning map. (a) The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Zoning Map of Gordonsville, Tennessee," dated December 3, 1987, which is a part of the zoning ordinance and which is on file in the office of the Gordonsville Town Clerk.

(b) If, in accordance with the provisions of this ordinance and Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the board of mayor and aldermen, together with an entry on the official zoning map. The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.

(c) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under § 14-206(7) of this chapter.

(d) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the town clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the town.

(3) Replacement of official zoning map. In the event that the official zoning map becomes damaged, lost or difficult to interpret because of the nature or number of changes and additions, the board of mayor and aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map to any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

(4) Rules for interpretation--C-1 district boundaries. (a) District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the center line of streets or alleys, midway between railroad tracks, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of the zoning ordinance.

(b) Where a district boundary divides a lot existing at the time the zoning ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty feet (20') within the more restricted district.

(c) Where the property on one side of a street between two (2) intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on that street in that block. It is the purpose of the ordinance to limit business, and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the board of zoning appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning ordinance shall be observed.

(d) Any questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(5) Annexation of territory. (a) All territory which may hereafter be annexed to the Town of Gordonsville shall be considered by the planning commission and assigned an appropriate classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous town limits.

(b) Annexed territory and the subsequent zoning of such territory shall be reflected on the zoning map of Gordonsville, Tennessee, in the manner described in § 14-203(2) of this ordinance. (Ord. #03-12-00, Dec. 1987)

14-204. Specific district regulations. (1) R-1 Low Density Residential District. (a) General description. The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-1 Low Density Residential District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Single family detached dwellings; excluding mobile homes.

(ii) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include

noncommercial gardens and greenhouses, tool sheds, private garages, swimming pools and the like.

(iii) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, and not to exceed eight (8) square feet in area.

(iv) Essential utility services and facilities.

(c) Uses permitted on appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (see § 14-205(8)); provided that not over twenty-five percent (25%) of the total area of the dwelling is so used. For purposes of advertising such use, one (1) sign not over two (2) square feet in area, may be used.

(ii) Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per § 14-205(4)(b)); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

(iii) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than twelve (12) children (per § 14-205(10)(a)), or other customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(iv) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Multi-family residential uses, commercial, retail and wholesale uses, and industrial uses are prohibited.

(ii) The overnight parking of any vehicle in excess of three (3) tons is prohibited.

(iii) The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or building is prohibited.

(iv) Any use not specifically permitted or permissible on appeal is also prohibited.

(e) Minimum lot area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (i) Minimum lot area (with sewer) 12,000 sq. ft.
- (ii) Minimum lot area (without sewer) . . . 20,000 sq. ft.
- (iii) Minimum lot width at building setback line . . 75 ft.
- (iv) Minimum depth of front yard:
 - (A) Minor street 35 ft.
 - (B) Collector street 40 ft.
 - (C) Arterial street 50 ft.
- (v) Minimum depth of rear yard 30 ft.
- (vi) Minimum width of side yard on each side:
 - (A) One or two story building 15 ft.
 - (B) Three story building 20 ft.

(vii) Minimum width of side yards on corner lots shall be the same as minimum front yard for other structures fronting the side street.

(f) Location of accessory buildings. Accessory buildings shall meet the following provisions:

(i) No accessory building shall be erected in any front or side setback area. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.

(ii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.

(iii) On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure shall be nearer the side street line than the depth of any required front yard or a dwelling along such side street.

(iv) No accessory building shall exceed one (1) story in height or twenty feet (20') total (peak of roof to ground).

(g) Building area. On any lot area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot.

(h) Maximum building height. No structure should exceed three (3) stories or thirty-five feet (35') in height.

(i) Parking requirements. Uses in the R-1 District shall conform with the provisions of § 14-202(7) of this chapter.

(j) Access requirements. Uses in the R-1 District shall conform with the provisions of § 14-202(8) of this chapter.

(2) R-2 High Density Residential District. (a) General description. The purpose of the R-2 District is to provide a high density residential environment having good access to schools, public water and sewer, and

other community services, but well separated from other incompatible uses and activities. Within the R-2 High Density Residential District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Any use permitted in the R-1, Low Density Residential District.

(ii) Duplexes, apartments and multi-family residential uses, provided that for more than two (2) dwelling units, a development plan (see § 14-206(3)) must be submitted to the planning commission and subsequently be approved. Apartments and multi-family dwelling units shall adhere to the requirements as cited in § 14-205(5) herein.

(iii) Essential utility services and facilities.

(c) Uses permitted upon appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (see § 14-205(8)); provided that not over twenty-five percent (25%) of the total floor area of the dwelling is so used. For purposes of advertising such use, one (1) sign not over two (2) square feet in area, may be used.

(ii) Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; and cemeteries (per § 14-205(4)(b)).

(iii) Mobile home parks provided the provisions set forth in § 14-205(3), are complied with, including the submittal of a development plan (see § 14-206(3)(b)).

(iv) Residential care homes for the aged of eight (8) or less beds, provided the provisions of § 14-205(9), are complied with.

(v) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than twelve (12) children (per § 14-205(10)(a)), or other customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(vi) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Commercial, retail, wholesale and industrial uses are prohibited.

(ii) The parking of any vehicle in excess of three (3) tons is prohibited.

(iii) The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or other building is prohibited.

(iv) Any use not specifically permitted or permissible on appeal is prohibited.

(e) Minimum lot area width, and yard requirements. The principal building or buildings shall be located so as to comply with the following requirements:

(i) Minimum lot area for single unit (with sewer) 10,000 sq. ft.

(ii) Minimum lot area for single unit (without sewer) 20,000 sq. ft.

(iii) Minimum for each additional unit over one 4,500 sq. ft.

(iv) Minimum lot width at building setback line 75 ft.

(v) Minimum depth of front yard:

(A) Minor street 35 ft.

(B) Collector street 40 ft.

(C) Arterial street 50 ft.

(vi) Minimum depth of rear yard 30 ft.

(vii) Minimum side yard on each side:

(A) One story building 15 ft.

(B) Two story building 20 ft.

(viii) Minimum width of side yards on corner lots shall be same as the minimum front yard for other structures fronting the side street.

(f) Location of accessory buildings. Accessory buildings shall meet the following provisions:

(i) No accessory building shall be erected in any front or side setback area. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.

(ii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.

(iii) On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five feet (25') of the common lot line shall have the same setback on the side street line as the setback of any front yard along such side street.

(iv) No accessory building shall exceed one (1) story in height or twenty feet (20') total (peak of roof to ground).

(g) Building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five percent (35%) of the total area of such lot.

(h) Maximum building height. No structure shall exceed three (3) stories or thirty-five feet (35') in height.

(i) Parking requirements. Uses in the R-2 District shall conform with the provisions of § 14-202(7) of this chapter.

(j) Access requirements. Uses in the R-2 District shall conform with the provisions of § 14-202(8) of this chapter.

(3) C-1, Limited Commercial District. (a) General description. The purpose of the C-1 District is to provide an area for the conduct of community and municipal retail and service businesses especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefitted by close proximity to other uses of similar nature and requirement.

It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater to automobiles; which interfere with pedestrians or pedestrian circulation, or which create hazards, noise, vibration, smoke, dust, odors, glare, heat or other objectionable influences or nuisances.

Within the C-1, Limited Commercial District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Community-wide retail trade, including the following types of establishments; grocery, general merchandise, apparel, furniture, antiques, household and hardware, electronics, pharmacies and sundries, florists, sporting goods and similar uses.

(ii) Community-wide businesses and personal services including the following types of establishments: barber shops; beauty shops; shoe repair; video rental; laundering and dry cleaning establishments; restaurants, grills; and pawn shops.

(iii) Professional offices for doctors, lawyers, dentists, architects, artists, engineers, realtors, employment agencies, insurance agencies, travel agencies and similar uses.

(iv) Financial institutions.

(v) Public uses and structures, and public utility structures.

(vi) Schools; indoor theater.

(vii) "Bed and breakfast" per § 14-205(8).

(viii) Off-street parking lots and parking garages.

(ix) Accessory uses of structures customarily incidental to the above permitted uses, including on-premise business signs.

(x) Real estate signs, per provisions of § 14-205(2).

(xi) Off-premise directional informational signs not over twenty-five (25) square feet.

(xii) Essential utility services and facilities.

(c) Uses permitted upon appeal (special exceptions). After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Printing and publishing establishments.

(ii) Child and adult day care facilities per § 14-205(10)(c).

(iii) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Industrial uses.

(ii) Warehousing and storage, except those uses within and incidental to a permitted business or service structure.

(iii) Mobile homes for residential or commercial use; mobile home parks.

(iv) Use of mobile homes, trucks or tractor trailers for office space, storage or advertising.

(v) Sale or storage of gasoline or other explosives.

(vi) Truck terminals, junkyards, bus stations, moving companies.

(vii) Billboards and other similar off-premise advertising signs.

(viii) All other uses or structures not of a nature specifically permitted herein or permitted by implication. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.

(e) Minimum lot area, width, and yard requirements.

(i) Minimum lot width at building line 75 ft.

(ii) Minimum lot requirements

(A) All uses and structures. . 15,000 sq. ft.
minimum and meet
other requirements
herein.

(B) Churches 30,000 sq. ft.
minimum plus
off-street parking
area requirements.

(iii) Minimum yard requirements. (A) Front yard.
Thirty five feet (35'). If a building or buildings on an

adjacent lot or lots provide front yards less than thirty feet (30') in depth, a front yard equal to the average of adjacent front yards shall be provided.

(B) Rear yard. Twenty feet (20').

(C) Side yard. None is required. However, if an open area extending along a side lot line is provided, it shall be at least ten feet (10') wide, and it shall be unobstructed.

(D) If a lot in the C-1 district adjoins any residential district, the minimum setback from said residential district shall be thirty feet (30').

(E) Combined (zero) lot line walls shall have a four (4) hour fire resistance rating, or as specified by the Standard Building and Fire Prevention Codes, whichever is greater.

(iv) Building area. Not to exceed ninety percent (90%).

(v) Screening. Where a lot line is shared with an adjoining residential lot the owner of the commercial lot shall provide and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two (2) different but contiguous land uses.

(f) Maximum building height. Structures in the C-1 District shall not be higher than three (3) stories or thirty-five feet (35').

(g) Parking requirements. Structures in the C-1 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(h) Access requirements. Uses in the C-1 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(i) Off-street loading and unloading space requirements. Uses in the C-1 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(4) C-2 Highway Commercial District. (a) General description. The purpose of the C-2 Highway Commercial District is primarily to provide areas for the location of highway commercial business and those enterprises which are oriented toward serving occupants of automobiles and trucks and/or their vehicles.

Within the C-2 Highway Commercial District as shown on the official Gordonsville Zoning Map the following regulations shall apply:

(b) Permitted uses. (i) Retail businesses such as grocery store, drug store, florist, souvenir shop, hardware store, apparel, furniture, meat or fruit market, restaurant including sit-down and drive-in.

(ii) Banks, offices, barber and beauty shops, shoe repair shops, video rental, public parking garages and lots.

(iii) Hospital, clinic, nursing home, funeral home.

(iv) Child or adult day care (per § 14-205(10)(b) and (c)).

- (v) Hotel or motel; "bed and breakfast" (per § 14-205(8)).
- (vi) Schools, libraries, and parks.
- (vii) Theaters.
- (viii) Automobile service stations and convenience marts provided that inflammable/hazardous liquids in excess of five hundred (500) gallons are not stored above ground, and provided that the provisions of § 14-205(4)(a) are met.
- (ix) Dry cleaning and laundering facilities (self-service and retail).
- (x) Automobile, truck and tractor sales and service establishments.
- (xi) Building supplies where new building materials are sold and inventory is kept under roof.
- (xii) Veterinary services for small animal care.
- (xiii) Public and semi-public uses and structures, including governmental and utilities.
- (xiv) Accessory buildings or uses customarily incidental to aforementioned permitted uses, including on-premise business signs.
- (xv) Off-premise directional-informational signs not over twenty-five (25) square feet.
- (xvi) Billboards located only on Highway 53 one thousand feet (1,000') apart; only single-stack back-to-back permitted, not to project beyond the property line.
- (xvii) Essential utility services and facilities.
- (c) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the board of zoning appeals may permit as special exceptions:
 - (i) Residential home for the aged;
 - (ii) Mini-warehouses;
 - (iii) Churches and other places of worship, and parish houses.
- (d) Uses prohibited.
 - (i) Industrial uses.
 - (ii) Warehousing, except mini-warehouses or those within and incidental to a permitted business or service structure.
 - (iii) Storage of explosives.
 - (iv) Storage above ground consisting of inflammable/hazardous liquids in excess of five-hundred (500) gallons.
 - (v) Truck terminals.
 - (vi) The overnight storage of inventory out-of-doors is prohibited except for operable motorized vehicles.

(vii) Storage of mobile homes overnight is not allowed unless located on the premises of a licensed mobile home sales lot.

(viii) Junkyards.

(ix) Mobile homes for residential or commercial uses, except as the office within a mobile home sales business.

(x) Mobile home parks.

(xi) The use of mobile homes for office space, storage or advertising, except temporary (not to exceed six (6) months) at a construction site and except at mobile home sales businesses. (See § 14-205(11) for temporary use regulations.)

(xii) All other uses not specifically permitted or permitted on appeal or implied in this district. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of fire or explosion, even under proper safeguards.

(e) Minimum lot area, width, and yard requirements.

(i) Minimum lot size 10,000 sq. ft.

(ii) Minimum lot width at building setback line . 100 ft.

(iii) Minimum depth of front yard:

(A) On arterial streets . . 50 ft. from right-of-way

(B) On collector and

local streets 35 ft. from right-of-way

(C) Both sides of a corner lot along a street are considered "front yard."

(iv) Minimum depth of rear yard:

(A) Adjoining residential district 25 ft.

(B) All other lots 15 ft.

(v) Minimum width of side yard on each side:

(A) All buildings (without a firewall) 15 ft.

(B) Adjacent to residential district 25 ft.

(C) Combined (zero) lot line walls, between commercial lots, shall have a four (4) hour fire resistance rating, or as specified by the building and fire codes, whichever is greater.

(vi) Maximum building area 40% of total area.

(vii) Screening. Where a lot line is shared with an adjoining residential lot, the owner of the commercial lot shall provide and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two (2) different but contiguous land uses. (See § 14-202 for specific requirements.)

(f) Maximum building height. No structure in the C-2 District shall exceed three (3) stories or thirty-five feet (35') in height.

(g) Parking requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(h) Access requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(i) Off-street loading and unloading space requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(5) I-1 Light Industrial District. (a) General description. The intent of the I-1 District is to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust and glare of each operation is minimal.

Within the I-1, Light Industrial District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Light manufacturing and assembly uses.

(ii) General office buildings, vocational learning and training centers and trade school, on-site day care centers, general contractors and specialty contractors.

(iii) Public and semi-public uses.

(iv) Public utilities.

(v) Accessory uses or structures customarily incidental to the above permitted uses.

(vi) Essential utility services and facilities.

(c) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Public parks and public recreational facilities;

(ii) Gasoline, oil, propane or alcohol storage above the ground in excess of five-hundred (500) gallons provided state and federal fire prevention codes are complied with;

(iii) Truck terminals and transfer stations;

(iv) Building material storage yards for the storage of new materials where seventy-five percent (75%) or greater is stored under roof;

(v) Churches and other places of worship, and parish houses and stations.

(d) Prohibited uses. (i) Residential uses, including hotels and motels.

(ii) Industrial uses considered dangerous or unsafe.

(iii) Mobile homes for residential or commercial use and mobile home parks.

(iv) Uses considered by the board of zoning appeals to be incompatible with neighboring or surrounding uses.

(v) Any use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions. Outside storage of unscreened material is prohibited.

(e) Minimum lot area, width and yard requirements.

(i) Minimum lot width at building line 200 ft.

(ii) Minimum front setback:

(A) Arterial street 50 ft.

(B) Collector and local streets 40 ft.

(iii) Minimum rear setback:

(A) Minimum requirements 30 ft.

(B) Lots adjoining residential districts . . . 50 ft.

(iv) Minimum side setback.

(A) Minimum requirements 20 ft.

(B) Lots adjoining non-industrial districts . 30 ft.

(C) Lots adjoining residential districts . . . 50 ft.

(D) Corner lots--minimum side setback, plus an additional fifty percent (50%), or the same front building setback of that of the adjoining structure adjoining said side yard, whichever is greater.

(v) Maximum lot coverage. Main and accessory buildings and structures and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

(vi) Landscape treatment. (A) On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust, or obnoxious odors which would injure or disturb adjoining properties.

(B) The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance. (See buffer strip in § 14-201, definitions.)

(f) Parking requirements. Uses in I-1 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(g) Access requirements. Uses in the I-1 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(h) Off-street loading and unloading space requirements. Uses in the I-1 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(6) I-2 Heavy Industrial District. (a) General description. This industrial district is provided for heavy manufacturing uses and processes with which are associated noise, odor, smoke, dust, glare, or other objectionable characteristics.

Within the I-2, Heavy Industrial District as shown on the official Gordonsville Zoning Map, the following regulations plus other appropriate provisions of this zoning ordinance shall apply:

(b) Permitted uses and structures. (i) Heavy manufacturing establishments, processes and facilities such as: the processing of primary metals, quarrying and mining operations, sawmills and other uses of a similar character.

(ii) Gasoline and oil storage above ground provided no storage tank or building shall be closer than one hundred feet (100') to any property line.

(iii) Any necessary use or building customarily incidental to the above permitted uses.

(iv) Essential utility services and facilities.

(c) Uses and structures permissible upon appeal (special exceptions). Other similar heavy industrial uses as determined by the board of zoning appeals and subject to such conditions and safeguards as may be required by said board in the interest of public health, safety, amenity, and welfare. The following uses shall not be approved as special exceptions until all pertinent safety aspects thereof have been adequately documented and validated, in detailed feasibility site studies prepared by licensed certified, and/or accredited professionals working in the pertinent fields of expertise: arsenals, atomic reactors, explosives manufacturing and storage, fireworks manufacturing, radioactive waste handling, heavy chemicals manufacture and storage. Churches and other places of worship, and parish houses.

(d) Prohibited uses and structures. Dwellings and any commercial or other use not expressly permitted or permissible upon approval by the board of zoning appeals.

(e) Area regulations. All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:

(i) Minimum depth of front yard 50 ft.

(ii) Minimum depth of rear yard 50 ft.

(iii) Minimum width of side yards 40 ft.

(iv) Minimum width of side yards on

corner lots 50 ft.

(v) Minimum setback from any adjoining residential or agricultural district 100 ft.

(vi) Landscape treatment. (A) On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust or obnoxious odors which would injure or disturb adjoining properties.

(B) The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of

buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance. (See buffer strip in definitions, § 14-201).

(f) Parking requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(g) Access requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(h) Off-street loading and unloading space requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(7) A-1 Agricultural District. (a) General description. The purpose of the A-1 District is to provide an area for agriculture and agriculturally oriented uses and structures in a low density environment.

Within the A-1 Agricultural District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(i) Permitted uses. (A) Farm homes and single-family detached dwellings, excluding mobile homes.

(B) Barns, greenhouses and other structures as accessory buildings customarily incidental to the aforementioned permitted uses.

(C) Churches and other places of worship, and parish houses.

(D) Essential utility services and facilities.

(b) Uses permitted on appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)(b)), for the purposes of determining the impact on the surrounding residential and agricultural uses including provision of parking, possible traffic or other safety hazards, and nuisances, the board of zoning appeals may also permit as special exceptions:

(i) Mobile homes on individual lots provided that provisions of § 14-205(3)(a) of the zoning ordinance are complied with.

(ii) Public libraries; schools offering general education courses; golf courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per § 14-205(4)(b)); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

(iii) Bed and breakfast establishments by the family residing on the premises (see § 14-205(8)).

(iv) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than seven (7) children (per § 14-205(10)(a)), or other

customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(c) Uses prohibited. Any use not specifically permitted or permitted on appeal is prohibited.

(d) Minimum lot area, width and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (i) Minimum width at the building line 75 ft.
- (ii) Minimum depth of front yard:
 - (A) Local street 40 ft.
 - (B) Collector street 50 ft.
 - (C) Arterial street 60 ft.
- (iii) Minimum depth of rear yard 30 ft.
- (iv) Minimum width of side yard on each side:
 - (A) One or two story building 25 ft.
 - (B) Three story building 35 ft.
- (v) Minimum width of side yards on corner lots shall be 40 ft.

(vi) Minimum lot area 1 acre.

(e) Location of accessory buildings. (i) No accessory building shall be erected in any front or side setback area.

(ii) Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.

(iii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.

(iv) On any corner lot, adjoining in the rear another lot which is in an agricultural or residential district, no part of any accessory structure within twenty-five feet (25') of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(f) Building area. On any lot of area occupied by all buildings, including accessory buildings, shall not exceed twenty-five percent (25%) of the total area of such lot.

(g) Maximum building height. No structure should exceed three (3) stories or thirty-five feet (35') in height.

(h) Parking requirements. Uses in the A-1 District shall conform with the provisions of § 14-202(7) of this ordinance.

(i) Access requirements. Uses in the A-1 District shall conform with the provisions of § 14-202(8) of this ordinance.

(8) F-1 Floodway District. (a) Floodway district. The Floodway District established by this ordinance is designed to promote the public health, safety, and general welfare and to minimize or eliminate loss of

life and property, health and safety hazards, disruption of commerce and governmental services, unusual public expenditures for flood protection and relief, and the impairment of the tax base by provisions designed to prohibit or restrict developments which are dangerous to health, safety, or property in times of flood, or which cause undue increases in flood heights or velocities; to require that developments vulnerable to floods, including public facilities which serve such developments, shall be protected against flood damage at the time of initial construction, and to protect individuals from purchasing lands which are unsuitable for development purposes because of flood hazards.

(i) Floodways established. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural cases, such as channel siltation or bridge openings restricted by debris. This ordinance shall not create a liability on the Town of Gordonsville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Floodways are hereby established for the purpose of meeting the needs of the streams to safely carry flood waters; to protect the stream channels and their floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulation for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance, floodways shall be defined as follows:

(A) Along the Caney Fork, Mulherrin Creek, Hickman Creek and Agee Branch. The floodway as delineated by the flood insurance study, Town of Gordonsville, Tennessee, Smith County, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the official Zoning Map of the Town of Gordonsville, Tennessee. The flood insurance study adopted in 1999 shall be kept and maintained by the building inspector and shall be available for inspection and examination by the public during normal office hours.

(B) Along sinkholes and other low places and other areas of shallow flooding (AO and AH Zones). All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation

would be safe from the danger of inundation by the 100-year flood.

(C) Along areas of unmapped streams subject to special flood hazard. All small streams and creeks subject to periodic flooding which are unmapped and unzoned on Gordonsville's flood insurance rate map but are depicted either on USGS topographic maps or as streams or tributaries on any Gordonsville's official flood maps are subject to the requirements as cited within § 14-205(1) of this ordinance.

(ii) Uses permitted. In the F-1 Floodway District, the following open-type uses are permitted in the floodway subject to the approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest:

(A) Uses permitted in the floodway district adjacent to residential districts:

(1) Agriculture and forestry uses, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.

(2) Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.

(3) Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.

(4) Railroads, streets, and bridges, provided "no-rise" certificates are submitted therewith.

(5) Public or private utilities.

(6) Marinas and boat launching ramps provided that no principal buildings are located within a floodway.

(B) Uses permitted in floodway adjacent to commercial and industrial districts:

(1) Any of the above permitted uses.

(2) Loading and unloading areas, parking lots, and other uses of a similar nature provided no principal structure is located within the floodway.

(iii) Uses prohibited. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life. The storage or dumping of wrecked or junked automobiles, machinery, or appliances.

(iv) Requirements for permitted uses for areas of special flood hazard with established base flood elevation and with floodways established. Located within all areas of special flood hazard where streams exist with base flood data and floodways also provided, the following provision applies:

No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. In all such cases a "no-rise" certificate shall be completed, professionally stamped, and signed:

(A) No new structure for human habitation, including manufactured homes as defined in § 14-205(1)(e), modular homes, or cabins shall be permitted within any designated floodway.

(B) The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one- or two-wire stock fences), dams, embankments, levees, dikes, piles, abutments, fill, culverts, bridges, structures, or matter in, along, across or projecting into the floodway or stream channel which may constrict, retard, impede, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.

(C) When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the planning commission an engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood

as herein defined as the basis of such analysis. All adjacent communities and the Tennessee Local Planning Assistance Office shall be notified by the developer via certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and he shall submit copies of such notifications to the federal insurance administrator. In addition, the developer shall assure the Town of Gordonsville, in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition or vegetative growth.

(D) Within any designated floodway, any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if all the requirements are met:

(1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

(2) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one foot (1') above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of § 14-205(1) to a height of at least one foot (1') above the level of the 100-year flood.

(3) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point above the level of the 100-year flood, in accordance with the requirements of § 14-205(1).

(4) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, Town of Gordonsville, Tennessee, by such reconstruction.

(E) No permit shall be issued for the construction or erection of any structure (temporary or permanent), including railroads, streets, bridges and utility, or for other development (temporary or permanent) within a designated floodway until the plans for such development have been

submitted to the planning commission, and approval is given in writing for such construction or use.

(F) In its review of the plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property:

(1) No structure (temporary or permanent), fill (including fill for roads, levees, railroads, etc.), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses, decreases the flow capacity of the floodway or increases flood heights.

(2) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.

(3) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement. (Ord. #03-12-00, Dec. 1987)

14-205. Supplementary regulations. For the purpose of the zoning ordinance these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

(1) Signs, billboards and other advertising structures. These conditions are established as a reasonable and impartial method of regulating signs and other advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. Several types of signs are depicted on Illustration 1. The regulations for signs and other advertising structures are as follows:

(a) For all zoning districts the following regulations for signs and other advertising structures shall apply:

(i) No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular or

pedestrian traffic by reason of location, shape, illumination or color.

(ii) No sign shall be located on, or attached to, any public property except public signs authorized by the Town of Gordonsville, Smith County, or the State of Tennessee.

(iii) No signs shall be painted or attached to any fence, trees, rocks, canopy posts, utility poles, and the like.

(iv) No sign shall be erected, replaced or relocated so as to prevent free ingress or egress from a required door, window or fire escape.

(v) No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residential district.

(b) In all zoning districts the following signs shall be permitted:

(i) For parking areas, entrance and exit signs not exceeding two (2) square feet in area and one (1) sign not more than nine (9) square feet in area identifying or designating the conditions of the use of such parking area.

(ii) On-premise and off-premise real estate signs not exceeding thirty-two (32) square feet in sign face area which advertise for the sale, rental or auction of land(s) or building(s). Such signs shall not be illuminated, shall not be more than six feet (6') in height, shall not be located on any public rights-of-way and off-premise real estate signs shall not be located for a period exceeding thirty (30) days.

(iii) Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of thirty-two (32) square feet, nor shall they remain standing after construction has been completed.

(iv) Signs established by, or by order of, any governmental agency.

(v) For special events of public interest, one (1) sign, not over twenty (20) square feet in area located upon the site of the event and removed within forty-eight (48) hours after the event but in no case shall such sign be displayed for a period longer than two (2) months in any one (1) calendar year.

(vi) Memorial plaques, cornerstones, historical tablets and the like.

(vii) Political signs displayed on private property with the consent of the property owner.

(c) In the R-1 and R-2 Residential and A-1 Agriculture Districts, the following regulations for signs and other advertising structures shall apply:

(i) Name plates indicating name, address, house number, announcement of boarders or roomers are permitted but shall not exceed two (2) square feet in area.

(ii) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding nine (9) square feet in area are permitted.

(iii) Signs announcing customary home occupations are permitted, but shall not exceed four (4) square feet in area.

(iv) Church, school, or public building bulletin boards or identification signs, not exceeding thirty (30) square feet in area are permitted.

(v) For a subdivision consisting of forty (40) or more lots or a multi-family development consisting of twelve (12) or more dwelling units, one (1) permanent sign identifying the development at each major vehicular entrance is permitted, provided that all yard setbacks are complied with, and provided that the sign does not exceed eight feet (8') in height and forty (40) square feet in area.

(vi) Flashing or intermittent illumination is prohibited.

(vii) Billboards and similar off-premise signs are prohibited unless they are utilized for advertising along Interstate 40 with the following conditions:

(A) Situated within one hundred feet (100') of Interstate 40 right-of-way.

(B) No closer than one thousand feet (1,000') apart.

(C) Situated at least two hundred feet (200') away from any residential structure.

(d) In the C-1 and C-2 Commercial Districts, the following regulations for signs and other advertising structures shall apply:

(i) All signs permitted in the R-1 and R-2 Residential and A-1 Agriculture Districts, subject to the same regulations, are permitted.

(ii) On-premise signs shall not exceed two hundred (200) square feet in area, shall not be less than fifty feet (50') apart, and shall not be freestanding with a height of thirty-five feet (35') from grade.

(iii) Each commercial establishment shall be permitted one (1) wall sign for on-premise advertising per outside wall provided that such sign shall not exceed twenty-five percent (25%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for a sign that no roof sign shall be permitted.

(iv) Each commercial establishment which utilizes only one (1) wall sign shall be permitted one (1) integral or mansard roof sign for on-premise advertising provided that such integral or mansard roof sign shall not exceed fifty (50) square feet in sign face area or twenty-five percent (25%) of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial establishment, whichever is less.

(v) Each commercial establishment shall be permitted one (1) projection sign provided that such projection sign shall not exceed twenty (20) square feet in sign face area and shall not extend above the roof line of the building occupied.

(vi) Window and awning signs are permitted for commercial establishments.

(vii) For structures in the C-1 Limited Commercial District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two feet (2') to any street pavement line and provided that no such sign shall obstruct free or clear vision or cause hazards for vehicles or pedestrian traffic.

(viii) Billboards and similar off-premise signs are permitted only in the C-2, General Commercial District along State Highway 53 subject to the following regulations:

(A) No billboard or similar off-premise sign shall exceed two hundred (200) square feet in area.

(B) No billboard or similar off-premise sign shall exceed fifty feet (50') in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.

(C) Billboards and similar off-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the C-3, Highway Commercial District.

(D) No billboard or similar off-premise sign shall be erected or placed closer than within two hundred feet (200') of any residential district.

(E) No billboard or similar off-premise sign shall be erected or placed closer than within one thousand feet (1,000') of any other billboard or similar off-premise sign.

(F) All billboards and similar off-premise signs shall conform with all applicable state regulations including

those in the Tennessee Code Annotated and those of the Tennessee Department of Transportation.

(e) In the I-1 and I-2 Industrial Districts, the following regulations for signs and other advertising structures shall apply:

(i) All on-premise signs permitted on C-1 and C-2 Commercial Districts, subject to the same regulations, are permitted.

(ii) Billboards and similar off-premise signs are permitted in the I-1 and I-2 Industrial Districts subject to the following regulations:

(A) No billboard or similar off-premise sign shall exceed three-hundred (300) square feet in area.

(B) No billboard or similar off-premise sign shall exceed fifty feet (50') in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.

(C) Billboards and similar off-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the I-1 and I-2 Industrial Districts.

(D) No billboard or similar off-premise sign shall be erected or placed closer than within three hundred feet (300') of any residential district.

(E) No billboard or similar off-premise sign shall be erected or placed closer than within one thousand feet (1,000') of any other billboard or similar off-premise sign.

(F) All billboards and similar off-premise signs shall conform with all applicable state regulations including those in the Tennessee Code Annotated and those of the Tennessee Department of Transportation.

(2) Mobile homes and mobile home parks. (a) Mobile homes on individual lots. Single-wide mobile homes are not allowed on an individual lot, but shall be located in an approved mobile home park.

An existing single-wide or double-wide mobile home in the R-1, R-2 or A-1 District can be removed and replaced with a new mobile home provided the setback requirements of the district are complied with and provided that it has a permanent concrete or masonry foundation and shall be anchored in accordance with State of Tennessee regulations, shall have a permanent driveway with off street parking for two (2) cars, shall be underpinned, shall meet all area regulations of the district, and further shall comply with all applicable federal, state and local housing building and construction codes.

(i) Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction.

(ii) Underpinning shall be painted to match the mobile home exterior.

(b) Mobile home parks. The following land development standards shall apply for all mobile home parks:

(i) No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

(ii) The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

(iii) Dimensional requirements for parks:

(A) Each mobile home park shall have a front yard setback of thirty feet (30') exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

(B) Each mobile home park shall provide rear and side yards of not less than fifteen feet (15'), exclusive of any required yards for each mobile home space, from the parcel boundary.

(C) In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty feet (30').

(D) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty feet (30').

(E) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

(iv) Dimensional requirements for mobile home spaces. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

(A) Each mobile home space shall be at least thirty-six feet (36') wide and such space shall be clearly defined by permanent markers.

(B) There shall be a front yard setback of ten feet (10') from all access roads within the mobile home park.

(C) Mobile homes shall be harbored on each space so there shall be at least a twenty foot (20') clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance

shall not be less than fifteen feet (15'). No mobile home shall be located closer than twenty feet (20') from any building within the mobile home park.

(D) There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear side yard of said trailer space.

(E) Each mobile home space shall be provided with a pad which shall be a minimum of twelve feet by fifty feet (12' x 50'), which shall be constructed of four inches (4") of compacted gravel.

(F) The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be four thousand four hundred (4,400) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

(G) No mobile home park shall be permitted unless such park is served by a public water supply.

(v) General requirements. (A) Road within the mobile home park shall be paved to a width of not less than twenty-two feet (22') in accordance with the procedures and standards for minor residential streets as specified in the Gordonsville Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

(B) All mobile home spaces within the park shall abut an access road.

(C) Each mobile home space shall be provided with the connection to a public water and sewer line.

(D) Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

(E) Cabanas, travel trailers, and other similar enclosed structures are prohibited.

(F) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

(G) Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.

(H) A buffer strip shall be planted around the external boundaries of the mobile home park (see § 14-205(2)).

(I) A fire hydrant shall be located within five hundred feet (500') of each mobile home as measured by the internal street system.

(J) The anchoring and tie down requirements of the State of Tennessee shall be adhered to.

(K) Mobile homes located in mobile home parks shall be underpinned. Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction. Underpinning shall be painted to match the mobile home exterior.

(L) In order to save water, master water meters will not be allowed. Each mobile home space shall be served by an individual water service line and meter.

(vi) Plans and schedules required. With the exception of subsection (D) below, the following information shall be shown on the required development plan (see § 14-206(3)(b)) at a scale no smaller than one inch equals one hundred feet (1" = 100'):

(A) The location and legal description of the proposed mobile home park.

(B) The location and size of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.

(C) The proposed use of buildings shown on the development plan.

(D) A vicinity map showing the project site as it relates to surrounding streets and other natural and/or man-made features.

(E) The location, and size of all mobile home spaces.

(F) The location of all points of entry and exit for motor vehicles and the internal street.

(G) The location of all off-street parking facilities.

(H) The location of park and recreation areas.

(I) A listing of proposed recreational facilities and equipment.

(J) The name and address of the applicant.

(K) Topographic contours at five foot (5') intervals.

(L) A comprehensive drainage plan.

(M) A time schedule for development, which shall demonstrate the applicant's readiness and ability to provide

the proposed services. Said time shall be for a period of not more than one (1) year.

(N) All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of § 14-202(3) of this chapter.

(3) Special standards for certain uses. To accomplish the purposes of the zoning ordinance, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the zoning district in which they may be located.

(a) Automobile service stations. (i) There shall be a building setback from all street right-of-way lines a distance of not less than forty feet (40') therefrom.

(ii) Gasoline pumps shall not be located closer than twenty-five feet (25') to any street right-of-way line.

(iii) Canopies covering pumps shall not be located closer than fifteen feet (15') of any street right-of-way.

(iv) Sign requirements as established in this § 14-205(1).

(v) Tanks in excess of five hundred (500) gallons shall be underground and shall meet the installation requirements of the State of Tennessee Fire Marshal's Office.

(b) Cemeteries. (i) The site proposed for any cemetery shall not interfere with the planned development of a system of streets as depicted on the community's major thoroughfare plan and in addition said site shall have direct access to a thoroughfare.

(ii) Any new cemetery shall be located on a site containing not less than ten (10) acres.

(iii) All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty feet (30') from any property line or street right-of-way line.

(iv) All required yards shall be landscaped and maintained.

(v) Proposals for cemeteries shall be approved by the planning commission.

(c) Incidental home occupation. An incidental home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. For such uses the following regulations shall apply:

(i) No stock in trade shall be displayed outside the dwelling.

(ii) No alterations to any building shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.

(iii) Only one (1) person, not a resident of the premises, shall be employed.

(iv) No more than twenty-five percent (25%) of the total floor area in any dwelling unit shall be devoted to such use.

(v) Sign not to exceed four (4) square feet, as established in § 14-205(1)(b).

(vi) No on-site retail sales shall be allowed.

(vii) Uses generating excessive traffic volumes or causing on-street parking problems will be prohibited.

(d) Swimming pools. (i) No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side yard.

(ii) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five feet (5') in height and maintained in good condition.

(4) Group housing developments (apartments). (a) Application and development plan required.

(i) Purpose. To provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing developments in excess of two (2) residential structures on a single lot or tract of land, not subdivided.

(ii) An application shall be submitted to the planning commission consisting of a development plan (see § 14-206(3)(b)) drawn to a scale no smaller than one inch equals one hundred feet (1" = 100') setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

(b) Required development standards. (i) Location. The site shall abut a public street and comprise a single lot or tract of land except where divided by public street.

(ii) Area requirements must comply with all the requirements of the R-2 zoning district. Maximum development density shall be nine (9) dwelling units per acre four thousand eight hundred forty (4,840) square feet per dwelling unit. Minimum approvable lot size shall be fourteen thousand five hundred (14,500) square feet. Minimum space between buildings shall be thirty feet (30'), with a minimum of five (5) additional feet required per each additional story above two (2) stories. Minimum distance between buildings and the side and rear property lines shall be thirty feet (30'), with an additional five feet (5') required

per each additional story above two (2) stories. Minimum front building setback shall be thirty-five feet (35') adjoining a local street, forty feet (40') adjoining a collector street, or forty-five feet (45') adjoining an arterial street.

(iii) Internal driveways. (A) Driveways in the apartment complex shall be a minimum of eighteen feet (18') in width.

(B) Two (2) paved parking spaces shall be provided for each dwelling unit.

(C) Driveways shall be privately constructed and maintained.

(D) The base of driveways shall consist of crush stone or gravel, six inches (6") in depth, compacted.

(E) The surface of streets shall consist of asphalt or better materials, two inches (2") in depth, compacted.

(F) The minimum pavement width of driveways shall be eighteen feet (18').

(G) Closed ends of dead-end streets shall provide a vehicular turn-around at least ninety feet (90') in diameter.

(iv) Public street access. (A) The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred feet (200').

(B) The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one hundred feet (100').

(v) Utilities. (A) The development shall be connected to the Gordonsville sanitary sewer system.

(B) Six inch (6") water lines and fire hydrants shall be provided so that each structure is located within five hundred feet (500') of a hydrant, as measured by the interior street system.

(vi) Storage of waste. Any central refuse disposal area shall be maintained in such manner as to meet country health requirements, and shall be screened from view.

(vii) Service building. Service buildings housing laundry, sanitation, or other facilities for use by occupants, when provided, shall be permanent structures of similar construction to other buildings in the development.

(5) Parking and storage of large vehicles and trucks. In any residential or commercial district, no vehicle or trailer of any kind or type without current license shall be parked or stored on any lot other than in a completely enclosed building.

In any residential district, no truck of a rated capacity three (3) tons or greater nor any other truck painted with any sign, nor any other vehicle or

heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours, except in an enclosed building or otherwise screened from view.

(6) Fences, walls and hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front portion of any front yard shall cause any impairment to vision, create safety hazards at any street intersection, nor be situated on any street right-of-way area.

(7) Bed and breakfast establishments. In those districts where authorized as a permitted use, or as a conditional use, the following supplementary regulations shall apply to bed and breakfast establishments:

(a) Bed and breakfast residences shall be established only within pre-existing single-family residences.

(b) Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.

(c) Bed and breakfast residences shall be solely operated by members of the family residing in the residence.

(d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

(e) Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than two (2) square feet in size, and shall be located no closer to the street right-of-way line than fifteen feet (15').

(f) One and one-half (1 1/2) off-street parking spaces shall be provided for each rentable room in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.

(g) If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.

(h) A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.

(i) An evacuation plan must be approved by the town's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.

(j) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.

(k) Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the town's public sewerage system, certification shall be provided by the county environmentalist approving the subsurface disposal system as being adequate to serve the total number of bedrooms.

(8) Residential homes for the aged. Residential homes for the aged are allowed in the R-1, R-2 and C-2 Districts as special exceptions provided the following requirements are met:

- (a) Minimum site one (1) acre or more;
- (b) Minimum side and rear building setbacks shall be thirty-five feet (35');
- (c) There shall be a planted buffer strip around the side and rear of the project site (§ 14-201);
- (d) The project must be served by public water and sewer facilities;
- (e) Minimum parking requirements (§ 14-202(7)(a)) shall be one (1) space per two (2) beds, plus one (1) space for each employee, plus adequate area for emergency vehicles;
- (f) Structure to meet standard building and plumbing code;
- (g) Submit detailed development plan of property as per § 14-206(3)(b);
- (h) Use must be licensed by state as residential care home for aged.

(9) Day care centers. (a) Day care centers as home occupations. Day care centers operated within a home as a home occupation for the care of up to twelve (12) children including the children of those residing in the subject residence, are allowed in the R-1, R-2 and A-1 Districts as special exceptions subject to the following provisions:

- (i) The child care use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- (ii) Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited for children's play space.
- (iii) There shall be a fence with the minimum height of four feet (4') surrounding the play space.
- (iv) Operator of a child day care home must be the owner and reside on subject property.
- (v) Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot only and shall not utilize more than fifty percent (50%) of the gross floor area of the main structure.

(vi) There shall be no less than one (1) accessory off-street parking space per each four (4) children.

(vii) Shall be licensed by the State of Tennessee.

(viii) Day care centers for more than twelve (12) children shall be located only in commercial zones or in the industrial zone as an accessory use.

(ix) Landscaped buffers and screening shall be provided where required in order to protect the adjacent properties.

(x) Access to the facility shall be such that no motor vehicle will be required to back onto any public street. A circular driveway is recommended for the loading and unloading of children.

(b) Day care centers operated as accessory uses to business or churches.

(i) A development plan shall be prepared and submitted to the planning commission for review per § 14-206(3)(b).

(ii) The facility shall be licensed by the State of Tennessee.

(iii) Parking shall be sufficient to accommodate all employees and day care patrons.

(c) Day care centers operated as the principal use. (i) Day care centers shall be located in the C-1, C-2 or I-1 Districts only.

(ii) Day care centers shall contain a minimum lot area of twenty thousand (20,000) square feet.

(iii) Day care centers shall be licensed by the State of Tennessee.

(iv) A development plan must be prepared and submitted to planning commission for review. (See § 14-206(3)(b).)

(v) Off-street parking shall be in accordance with the parking requirements cited in § 14-202(7)(a).

(10) Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses which are non-permanent in nature. Application for a temporary use permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a development plan (see § 14-206(3)(b)), to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and to the regulations of any district in which such use is located.

(a) Carnival or circus. May obtain a temporary use permit in the C-2, I-1, I-2 or A-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided, only

after a licensed mechanical engineer officially certifies in writing that all pertinent rides are safe.

(b) Christmas tree sale. May obtain a thirty (30) day temporary use permit for the display and sale of Christmas trees on open lots in any district.

(c) Temporary buildings. In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner.

(d) Religious tent meetings. In any district, except C-1, Limited Commercial District, a temporary structure may be permitted to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

(e) Temporary dwelling unit in cases of special hardship. In any residential district, a temporary use permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health or welfare of the community. An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Gordonsville Superintendent of Utilities and the Smith County Health Department when applicable approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for six (6) months. A permit may be renewed for up to six (6) months at a time, the total time for permits not exceeding a total of eighteen (18) months. (Ord. #03-12-00, Dec. 1987)

14-206. Administration and enforcement. (1) Building inspector.

(a) Administrative and enforcing officer. The provisions of this ordinance shall be administered by the town building inspector. The building inspector shall administer and enforce this ordinance and in addition shall:

(i) Issue all building permits and make and maintain records thereof;

(ii) Issue all certificates of occupancy and make and maintain records thereof;

(iii) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;

(iv) Maintain and keep current zoning maps, and records of amendments thereto;

(v) Conduct inspections as prescribed by this ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this ordinance generally;

(vi) Receive, file, and forward to the planning commission all applications for conditional uses, and for amendments to this ordinance;

(vii) Receive, file, and forward to the board of zoning appeals all applications for variances or other matters, on which the board is required to pass under the provisions of this ordinance.

(b) Powers of the building inspector. The building inspector shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary, to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the building inspector permitted to make changes in this ordinance nor to vary its terms or provisions in carrying out his duties.

(c) Right of entry upon land. The building inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the town for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this ordinance.

(2) Application of zoning ordinance. Except as otherwise provided, no structure or land shall after the effective date of the zoning ordinance be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

(3) Building permits and certificate of occupancy. (a) Building permits required. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure,

including accessory structures or to commence the filling of land until the building inspector has issued for such work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the zoning ordinance.

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose.

(b) Development plan required. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with the zoning ordinance.

The building inspector shall require that every application for a building permit for excavation, construction, moving, or addition, shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving or addition is in conformance with the zoning ordinance:

(i) The actual shape, location, and dimensions of the lot to be built upon.

(ii) The shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.

(iii) The existing and intended use of all such buildings or other structures.

(iv) The location and design of off-street parking areas and off-street loading areas.

(v) Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning ordinance are being observed.

If the proposed excavation, construction, moving or addition as set forth in the application is in conformity with the provisions of the zoning ordinance, the building inspector shall issue a building permit for such excavation or construction.

If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval.

Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning ordinance.

Building permits shall be void six (6) months from date of issue unless substantial progress on the project has been made by that time.

(c) Certificate of occupancy required. No land or building or other structure or part thereof hereafter erected, moved, or added to in its use shall be used until the building inspector shall have issued a

certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance.

Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the zoning ordinance, or if such certificate is refused, to state the refusal in writing with the cause for such refusal.

(4) Board of zoning appeals; establishment and procedure.

(a) Establishment of the board of zoning appeals. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207.

As permitted by Tennessee Code Annotated, § 13-7-205, the Gordonsville Municipal Planning Commission is hereby designated as the Gordonsville Board of Zoning Appeals.

(b) Conflict of interest. Any member of the board who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

(c) Proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each request, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the board.

(d) Hearings and 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 inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof.

The building inspector shall transmit to the board all papers constituting the record upon which the appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice

to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

(e) Liability of members of the board of zoning appeals and the building inspector. Any member of the board of zoning appeals, the building inspector, or other employee charged with the enforcement of this ordinance acting for the Town of Gordonsville in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of Gordonsville of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, the building inspector, or employees charged with the enforcement of any provision of this ordinance shall be defended by a legal representative furnished by the Town of Gordonsville until the final termination of such proceedings.

(5) Board of zoning appeals; powers and duties. (a) Administrative review. The board of zoning appeals shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provision of this ordinance, or in his interpretation of the zoning map.

(b) Special exceptions (uses permitted upon appeal). The board of zoning appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "uses permitted on appeals" sections of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

(i) Application fee. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, any and other material pertinent to the request which the board of zoning appeals may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application for a request for a special exception from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(ii) General provisions governing uses permitted on appeal. Before any special exception shall be issued, the board of zoning appeals shall certify compliance with the specific rules

governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

(A) It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

(B) It will not adversely affect other property in the area in which it is located;

(C) It is within the provision of "uses permitted on appeal" as set forth in this ordinance; and

(D) It conforms to all applicable provisions of this ordinance for the district in which it is to be located.

(iii) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(iv) Time limit. All applications reviewed by the board of zoning appeals shall be decided within forty-five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.

(c) Variances. The board of zoning appeals has the authority to hear and decide applications for variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In exercising its powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this ordinance, and to that end shall have the powers of the administrative official from whom the appeal is taken.

(i) Application and fee. An application shall be filed with the board of zoning appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application for a request for a variance by the board of zoning appeals to defray costs of notices, the hearing and any miscellaneous expenses.

(ii) Standards for variances. In granting a variance the board shall ascertain that the following criteria are met:

(A) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out;

(B) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(C) The variance will not authorize in a zone district activities other than those permitted by this ordinance;

(D) Financial returns only shall not be considered as a basis for granting a variance;

(E) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(F) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

(G) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(H) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and

(I) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(iii) Non-conformity does not constitute grounds for granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(iv) Prohibition of use variances. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(v) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in this ordinance to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance.

(vi) Time limit. All applications reviewed by the board of zoning appeals shall be decided within forty-five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.

(vii) Variance appeals. Any person or agency aggrieved by a decision of the board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

(6) Amendments to zoning ordinance. (a) Procedure. The regulations, the number, or boundaries of districts established by the zoning ordinance may be amended, supplemented, changed, modified, or repealed by the board of mayor and aldermen after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper; but in accordance with Tennessee Code Annotated, § 13-7-204, no amendment shall become effective unless it is first submitted to and approved by the Gordonsville Municipal Planning Commission, or if disapproved, shall receive a majority vote of the entire board of mayor and aldermen.

(b) Application and fee. Any person desiring to bring a request for an amendment to the zoning ordinance shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or board of mayor and aldermen may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application requesting an amendment to the zoning ordinance to defray costs of notices, public hearings, and any miscellaneous expenses.

(7) Penalties. Any person violating any provisions of this zoning ordinance shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

(8) Remedies. In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may

institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erection, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land. (Ord. #03-12-00, Dec. 1987)

CHAPTER 3

FLOOD DAMAGE PREVENTION REGULATIONS

SECTION

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

14-301. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201 (Mayor-Aldermanic Charter) delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Gordonsville, Tennessee Mayor and Board of Aldermen, does ordain as follows.

(2) Findings of fact. (a) The Gordonsville Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-88 edition) and subsequent amendments.

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

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

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

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

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.
- (4) **Objectives.** The objectives of this chapter are:
 - (a) To protect human life and health;
 - (b) To minimize expenditure of public funds for costly flood control projects;
 - (c) To minimize the need for rescue and relief efforts associated with flooding;
 - (d) To minimize prolonged business interruptions;
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
 - (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - (g) To ensure that potential buyers are notified that property is in a floodable area; and
 - (h) To establish eligibility for participation in the National Flood Insurance Program. (Ord. #99-06-28, June 1999)

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

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (a) Accessory structures shall not be used for human habitation.
- (b) Accessory structures shall be designed to have low flood damage potential.
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 USC 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by

a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" means a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.

(5) "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 where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "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.

(7) "Area of special flood hazard" 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.

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building," for purposes of this section means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")

(12) "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, excavation or drilling operations, or storage of equipment or materials.

(13) "Elevated building" means a non-basement building:

(a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers); and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

(17) "Existing construction" any structure for which the "start of construction" commenced before the effective date of the ordinance comprising this chapter.

(18) "Existing manufacture 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 before the effective date of the ordinance creating this chapter.

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

(20) "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).

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

- (a) The overflow or inland or tidal waters;
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator 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.

(23) "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) and/or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the

boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary map and the water surface elevation of the base flood.

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

(28) "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.

(29) "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.

(30) "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, structures and their contents.

(31) "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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "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.

(33) "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 flood plain management regulations.

(34) "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 one foot (1').

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The terms does not include the floor of a garage used solely for parking vehicles.

(36) "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, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "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.

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

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

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

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

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(40) "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.

(41) "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.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "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."

(44) "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.

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

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(48) "New construction" any structure for which the "start of construction" commenced on or after the effective date of the ordinance comprising this chapter. The term also includes any subsequent improvements to such structure.

(49) "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 the ordinance comprising this chapter.

(50) "100-year flood" see "base flood."

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

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

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

(53) "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.

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

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

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

(57) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

(58) "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

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

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

(62) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. #99-06-28, June 1999)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Gordonsville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Gordonsville, Tennessee Federal Emergency Management Agency, Flood Insurance Rate Maps, 470395 Community Panel Numbers 0001, 0002; Effective Date: July 7, 1999 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

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

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

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

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted

under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does no imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Gordonsville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Gordonsville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #99-06-28, June 1999)

14-304. Administration. (1) Designation of zoning official. The zoning official is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the zoning official on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

- (a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings (see (b) below).
- (ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed, where base flood elevation data is available (see (b) below).
- (iii) Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in § 14-404(2)(b), where base flood elevation data is available (see (b) below).
- (iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the zoning official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the zoning official shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the zoning official a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The zoning official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the zoning district. Duties of the zoning official shall include, but not be limited to:

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

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 USC 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) Record the actual elevation (in relation to mean sea level or highest grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-304(2)(b).

(f) When floodproofing is utilized, the zoning official shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(g) 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) the zoning official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the zoning official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, 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 community FHBM or FIRM meet the requirements of this chapter.

(optional additional requirement)

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the zoning official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two feet (2') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-302

of this chapter). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in § 14-304(2).

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the zoning official and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (Ord. #99-06-28, June 1999)

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

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

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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

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

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

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

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

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein: In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in § 14-303(2), the following provisions are required:

(a) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated 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 the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one foot (1') above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the zoning official as set forth in § 14-304(2)(b).

(c) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

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

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

(ii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

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

(A) The lowest floor of the manufactured home is elevated no lower than one foot (1') above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and

(C) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing or new manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-305(2)(d)(ii)(A) and (B) above.

(iii) All recreational vehicles placed on sites must either:

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

(B) Be fully licensed and ready for highway use; or

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-305(2)(d)(i) or (ii)(A) and (B) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

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

(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-305(2).

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

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified the lowest floor, including basement, shall be elevated, at least two feet (2') above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two feet (2') above the highest adjacent grade; or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

(5) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones), all provisions of §§ 14-304 and 14-305(1) through (8) shall apply.

(6) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data and floodways provided, the following provisions apply:

(a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) If § 14-305(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-305(2).

(7) Standards for unmapped streams (optional). Located within Gordonsville are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-304(2)(b).

(8) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision 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 proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres. (Ord. #99-06-28, June 1999)

14-306. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(1) Board of zoning appeals. (a) The Gordonsville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variance may be issued for the repair or rehabilitation of historic structures (see definition) 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 to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

(ix) 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, and

(x) 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, and water systems and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #99-06-28, June 1999)

CHAPTER 4

TOWERS AND ANTENNAS

SECTION

- 14-401. Definitions.
- 14-402. Applicability.
- 14-403. Requirements.
- 14-404. Regulations.
- 14-405. Application process.
- 14-406. Requirements for application.

14-401. Definitions. For the purposes of this chapter:

(1) "Alternative tower structure" shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

(2) "Antenna" shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

(4) "FAA" shall mean the Federal Aviation Administration.

(5) "FCC" shall mean the Federal Communications Commission.

(6) "Height" shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(7) "May" shall mean with permission.

(8) "Shall" shall mean mandatory.

(9) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers; including, but not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and any support thereto. (Ord. #98-10-12, Oct. 1998)

14-402. Applicability. (1) All new towers or antennas within the town limits of Gordonsville shall be subject to the regulations of this chapter.

(2) Exceptions. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of § 14-404(10) and (11). (Ord. #98-10-12, Oct. 1998)

14-403. Requirements. (1) Each applicant for an antenna and/or tower shall provide to the planning commission, prior to board of mayor and aldermen consideration, the following:

(a) An inventory of its existing towers, antennas or sites that are within the jurisdiction of the Town of Gordonsville;

(b) Specific information about the proposed location, height and design of each tower and/or antenna; and

(c) Proposed sites requested for approval.

(2) Towers and antennas shall meet the following:

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings;

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible;

(d) (i) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority;

(ii) If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(e) All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas;

(i) If such standards and/or regulations are changed, the owners of the towers and/or antennas governed by this chapter shall bring such towers and/or antennas into compliance with revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.

(ii) Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(f) The owner shall ensure that the structural integrity of the towers and/or antennas is maintained in compliance with standards contained in applicable state and local building codes and the applicable

standards for towers that are most recently published and amended by the Electronics Industries Association;

(i) If, upon inspection, the Town of Gordonsville concludes that a tower and/or antenna fails to comply with such codes and standards and constitutes a danger to persons and/or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

(ii) Failure to bring such tower and/or antenna into compliance within thirty (30) days of notice shall constitute grounds for removal of the tower and/or antenna at the owner's expense.

(3) Tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Gordonsville irrespective of county jurisdictional boundaries.

(4) Owners and/or operators of towers and/or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town of Gordonsville have been obtained with copy of each provided to the town recorder. (Ord. #98-10-12, Oct. 1998)

14-404. Regulations. (1) It shall be unlawful for any person to install, erect, or use a tower and/or antenna without first making application to, and obtaining approval from, the board of mayor and aldermen after compliance with § 14-403(1).

(2) No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(3) No signs shall be permitted on an antenna and/or tower.

(4) Buildings and support equipment associated with antennas and/or towers shall comply with all applicable requirements and codes.

(5) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(6) Sites for locating a tower and/or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower and/or antenna shall be as follows:

(a) Located in commercial or industrial zoning areas;

(b) Meet setback requirements as listed in Table 2:

(i) The dimensions of the entire lot shall control the determination of the tower or antenna complying with town development regulations, including but not limited to, setback requirements and lot coverage requirements.

(ii) Towers must be set back a distance equal to a least one hundred percent (100%) of the height of the tower plus thirty feet (30') from any adjoining lot line.

(iii) Guys and accessory buildings must satisfy the minimum zoning setback requirements.

Table 2

<u>Off-Site Use/Designated Area</u>	<u>Separation Distance</u>
1. Residential: Single family or duplex, including modular homes and mobile homes used for living purposes	200 feet or 300% height of tower; whichever is greater
2. Residentially zoned land which is either platted or has preliminary subdivision plan approval	200 feet or 300% height of tower, whichever is greater
3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex	200 feet or 200% height of tower, whichever is greater
4. Existing multi-family residential units greater than duplex units	200 feet or 100% height of tower, whichever is greater
5. Non-residentially zoned lands or non-residential uses	None, only setbacks apply

(c) Meet separation requirements as listed in Table 1:

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site users and/or designated areas.

(ii) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

Table 1

Existing Towers--Types

	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole 75 ft. in Height or Greater</u>	<u>Monopole Less than 75 ft. in Height</u>
Lattice	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Monopole 75 ft in Height or Greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole Less than 75 ft. in Height	750 ft.	750 ft.	750 ft.	750 ft.

Residential: Single family or duplex, including modular homes and mobile homes used for living purposes 200 feet or 300% height of tower; whichever is greater

Residentially zoned land which is either platted or has preliminary subdivision plan approval 200 feet or 300% height of tower, whichever is greater

Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex 200 feet or 200% height of tower, whichever is greater

Existing multi-family residential units greater than duplex units 200 feet or 100% height of tower, whichever is greater

Non-residentially zoned lands or non-residential uses None, only setbacks apply

(d) Towers shall be enclosed by security fencing not less than six feet (6') in height, shall be equipped with an appropriate anti-climbing device and locked, appropriately marked, security gates.

(e) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(i) Standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(ii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(iii) Sites on large, wooded lots, with natural growth around the property perimeter may be considered sufficient buffer.

(f) Antennas mounted on utility poles or light poles shall have the equipment cabinet or structure used in association with antennas located in accordance with the following:

(i) Residential area. In a rear yard, provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area and the cabinet/structure is located no more than twenty feet (20') from all lot lines and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(ii) Residential area. In a front or side yard provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet of gross floor area and the cabinet/structure is located a minimum of forty feet (40') from all lot lines and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(iii) Commercial/industrial area. The equipment cabinet or structure shall be no greater than twenty feet (20') in height or two hundred (200) square feet in gross floor area and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(iv) Commercial/industrial area. In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with ultimate height of twelve feet (12') and a planted height of at least forty-eight inches (48").

(g) Antennas located on towers and related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height and shall be located no closer than forty feet (40') from all lot lines.

(h) The tower meets the following height and usage criteria:

(i) Single user. Up to ninety feet (90') in height.

(ii) Two users. Up to one hundred twenty feet (120') in height.

(iii) Three (3) or more users. Up to one hundred fifty feet (150') in height.

(i) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(7) Locating antennas on existing structures or towers shall be governed by the following:

(a) Any antenna not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, institutional or multi-family structure of eight (8) or more dwelling units, provided:

(i) The antenna does not extend more than thirty feet (30') above the highest point of the structure.

(ii) The antenna complies with all applicable FAA and FCC regulations.

(iii) The antenna complies with all applicable building codes.

(b) Antennas mounted on structures or rooftops shall have the equipment cabinet or structure used in association with antennas complying with the following:

(i) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height.

(ii) Buildings and/or structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area and/or twelve feet (12') in height shall be located on the ground and shall not be located on the roof of the structure.

(iii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(iv) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(8) An antenna which is attached to an existing tower may be approved to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the council allows reconstruction as a monopole.

(b) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna;

(i) The height change shall only occur one (1) time per communication tower.

(ii) The additional height may not exceed distance separation.

(c) A tower which is being built to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.

(i) After the tower is rebuilt to accommodate collocation, only one (1) tower shall remain on the site.

(ii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers.

(iii) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted after a public hearing and approval by the board of mayor and aldermen.

(9) Special use permits may be approved by the board of mayor and aldermen, with the recommendation of the zoning board, with the following provisions governing:

(a) Required for the construction of a tower or the placement of an antenna in agricultural zoning;

(b) Minimal adverse effects of the proposed tower on adjoining properties;

(c) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(d) Installing a cable microcell network through the use of multiple low-powered transmitter/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(10) Any antenna and/or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

(a) The owner of such antenna and/or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Gordonsville.

(b) Failure to remove an abandoned antenna and/or tower within said ninety (90) days shall be grounds to remove the tower and/or antenna at the owner's expense.

(c) If there are two (2) or more users of a single tower, then this provision shall not become effective until all approved users abandon the tower.

(11) Rebuilding damaged or destroyed towers or antennas shall be of the same type, height, location and intensity as the original facility approval.

(a) Building permits to rebuild the facility shall comply with the applicable building codes at that time and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed.

(b) If no building permit is obtained, the tower and/or antenna shall be deemed abandoned.

(c) After obtaining building permit, construction shall begin within ninety (90) days or the tower and/or antenna shall be deemed abandoned. (Ord. #98-10-12, Oct. 1998)

14-405. Application process. (1) Prior to presentation to the board of mayor and aldermen, all plans shall be submitted to the planning commission and/or zoning board for review.

(2) Proposed location and use must comply with all setback and separation requirements as outlined in § 14-404.

(3) The planning commission and/or zoning board will submit to the board of mayor and aldermen with comments if any, the proposal within sixty (60) days.

(4) The board of mayor and aldermen will approve/disapprove the application within sixty (60) days of submission from the planning commission. (Ord. #98-10-12, Oct. 1998)

14-406. Requirements for application. (1) Application shall be made to the town recorder, or such person as designated by the board of mayor and aldermen to receive such applications.

(2) Each application shall be accompanied by a nonrefundable cashier's check in the amount of one thousand dollars (\$1,000.00) made payable to the Town of Gordonsville.

(3) Each applicant shall deposit with the town recorder a surety bond, not less than one million dollars (\$1,000,000.00), to cover the costs to the municipality if the applicant fails to meet applicable requirements as set forth in this chapter. The bond will remain in effect to ensure adequate funds available for continued maintenance.

(4) Application for a tower shall be submitted with the following:

(a) A scaled site plan clearly indicating:

(i) Location;

(ii) Design, type and height of the proposed tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- (iii) On-site land uses and zoning;
- (iv) Adjacent land uses and zoning;
- (v) Adjacent roadways;
- (vi) All properties within the applicable separation distances;
- (vii) Proposed areas of access (ingress and egress);
- (viii) Setbacks from property lines;
- (ix) Elevation drawings of the proposed tower and any other structures;
- (x) Surrounding topography, tree coverage and foliage;
- (xi) Roadway and parking.
- (b) Legal description of the parent tract and leased parcel (if applicable).
- (c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (d) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map.
- (e) Identify the type of construction of the tower and the owner and/or operator.
- (f) A landscape plan showing specific landscape materials.
- (g) Method of fencing, finished color, method of camouflage and illumination (if applicable).
- (h) A description of compliance with all applicable federal, state and local laws.
- (i) A notarized statement by the applicant as to whether construction of the tower will accommodate collection of additional antennas for future users.
- (j) (i) A description of the suitability of the use of other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
- (ii) Costs of alternative technology that exceed new tower and/or antenna development shall not be presumed to render the technology unsuitable.
- (k) A description of the feasible location(s) of towers within the Town of Gordonsville based upon existing physical, engineering, technological or geographical limitations.
- (5) Each applicant must certify they have read, and are familiar with, the provisions of this chapter.
- (6) Every application that meets the requirements of this chapter shall be considered by the board of mayor and aldermen.

(7) In the event an applicant's circumstances change which affect the provisions set forth in this chapter, the applicant shall notify the town recorder in writing within fifteen (15) days from the change in circumstances.

(8) Any applicant denied approval three (3) times shall not be allowed to reapply until the expiration of one (1) year from the date of the third refusal. (Ord. #98-10-12, Oct. 1998)

CHAPTER 5

SUBDIVISION REGULATIONS

SECTION

- 14-501. General provisions.
- 14-502. Procedure for plat approval.
- 14-503. Design and specifications.
- 14-504. Enforcement and penalties for violations.

14-501. General provisions. (1) Purpose. Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the municipal area; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water drainage, septic tank and other sanitary facilities.

(2) Authority. These subdivision regulations are adopted under the authority granted by Tennessee Code Annotated, §§ 13-4-301 through 13-4-309. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations, having filed a certified copy of the major street plan in the office of the Smith County Register of Deeds on March 22, 1988, in Plat Book 3, page 15.

(3) Jurisdiction. These regulations shall govern all subdivisions of land within the corporate limits of Gordonsville, Tennessee, as now or hereafter established. According to Tennessee Code Annotated, § 13-4-301, the term "subdivision" means the "division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided." Any owner of land within this area wishing to subdivide land shall submit to the planning commission, a plat of the subdivision according to the procedures outlined in § 14-502, which plat shall conform to the minimum requirements set forth in § 14-503. Improvements shall be installed as required by § 14-504 of these regulations.

(4) Definitions. Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purpose of these regulations, certain words or terms are defined as follows:

The term "shall" or "will" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(a) "Lot width." The distance between side lot lines measured at the building setback line.

(b) "Major road plan." The map on which the planned locations of present and future town and county arterial and collector roads are indicated.

(c) "Planning commission." The Gordonsville Municipal Planning Commission, its commissioners, officers, and staff.

(d) "Plat." The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan, plot and replot.

(e) "Street." A public or private way, provided for the accommodation of vehicular traffic, or as a means of access to property, and includes streets, avenues, boulevards, roads, lanes, alleys, or other ways.

(i) "Arterial." Streets and highways used primarily for movement of fast or heavy traffic within and through the town; a secondary function is land access. These are usually shown on the major street plan.

(ii) "Collector." Streets which carry traffic from minor streets to the arterial streets and highways. This usually includes the principal entrance street(s) or streets of major circulation of a residential development. Collectors serve the internal traffic movement within a section of the town and connect this section with the arterial system.

(iii) "Cul-de-sac." Permanent dead-end streets or courts with a paved turnaround designed so that they cannot be extended in the future.

(iv) "Local." A street designated to accommodate local traffic, the major portion of which originates along the street itself. The major function of a local street is land access. May also be called minor residential or minor commercial streets.

(v) "Marginal access." Minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to the abutting properties and protection from the through traffic.

(f) "Subdivisions." The division of a tract or parcel of land into two (2) or more lots, sites, parcels, tracts, plots, or other such divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision, and, when appropriate to the context, relates to the land or area subdivided. This definition also includes any division of land which involves new road or new utility construction.

(5) Variances. (a) General. Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the planning commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(i) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;

(ii) The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not applicable generally to other property;

(iii) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(iv) The variances will not in any manner vary the provisions of the zoning ordinance.

(b) Conditions. In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(6) Amendments. Before adoption of any amendments to this document, a public hearing shall be held by the planning commission. Fifteen (15) days notice of the time and place of the hearing shall be given as provided in Tennessee Code Annotated, § 13-4-303. (Ord. #88-05-00, May 1988)

14-502. Procedure for plat approval. The procedure for review and approval of a subdivision plat consists of three (3) separate steps. The initial step is the early, informal consultation with the planning commission technical staff for advice and assistance. The second step is the preparation and submission to the planning commission of a preliminary plat of the proposed

subdivision. The third step is the preparation and submission to the planning commission of a final plat, together with required certificates. This final plat becomes the instrument to be recorded in the office of the county register when duly signed by the secretary of the planning commission.

(1) General. (a) Any owner of land lying within the area of jurisdiction of the planning commission who wishes to divide such land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the planning commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in § 14-503 of these standards and shall be presented in the manner specified in the following subsections of this section. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the county register without the approval of the planning commission as specified herein.

(b) In order to secure review and approval by the planning commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a preliminary plat as provided in subsection (2) of this section. On approval of said preliminary plat he may proceed with the construction of improvements as set forth in § 14-503, and preparation of the final plat and other documents required in connection therewith as specified in subsection (3) of this section. In no case shall a preliminary plat be presented in sections.

(c) A subdivider may omit the submission of a preliminary plat and submit only a final plat, if all of the following conditions are met:

(i) The proposed subdivision does not contain more than five (5) lots, sites, tracts, or divisions.

(ii) All public improvements as set forth in § 14-503 are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a preliminary plat as prescribed by § 14-502(2)). The health department has approved the lots for septic systems, if applicable.

(iii) The subdivider has consulted informally with the planning commission technical staff for advice and assistance, and it is agreed upon by the planning commission that a preliminary plat is unnecessary prior to submission of the final plat and its formal application for approval.

(d) The owner or his authorized representative must be present at preliminary plat review and approval and final plat review and

approval. In his absence, the property owner may be represented by his agent or representative who shall present written authorization in the form of the affidavit shown in Appendix H.¹

(e) No final subdivision plat shall be approved by the planning commission or accepted for record by the Smith County Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the local approving agent, or in lieu of such prior construction, the planning commission may accept certain forms of financial guarantees (see § 14-502(3)(a)) in amounts equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the Town of Gordonsville in the event of default by the subdivider.

(2) Preliminary plat requirements. (a) The preliminary plat should be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall meet the minimum standards of design as set forth in § 14-503 and the Standards of Practice for Land Surveyors, chapter 0820-3 and its subsequent amendments. In case of conflict between the statutes, the stricter shall apply.

(b) The preliminary plat shall meet the general requirements for the construction of public improvements as set forth in § 14-503 and shall give the following information insofar as possible. (See sample preliminary plat, page 14-116.)

(i) The proposed subdivision's name and location, the name(s) and address(es) of the owner or owners, present tax map and parcel designation according to official records in the office of the tax assessor, and the name of the designer of the plat who shall be a professional surveyor licensed by the State of Tennessee.

(ii) The acreage of the land to be subdivided.

(iii) Date, approximate north point, and graphic scale.

(iv) The location of all existing and proposed property lines, streets, water courses, railroads, water lines, drain pipes, bridges, culverts, and easements for existing utilities (water, gas, electricity) or other features. Existing features shall be distinguished from those which are proposed. Other additional information to be provided are the present zoning classification (if any) both of the land to be subdivided and of adjoining lands, the names of adjoining property owners or subdivisions, the name of the applicable water district, and the size of existing water lines.

(v) Plans of proposed water systems showing connections to the existing or any proposed utility systems, including line sizes and locations of hydrants. Any land on which an individual

¹Appendices are available in the town recorder's office.

sewage disposal system is proposed must be reviewed by the appropriate state health department official.

(vi) The proposed street names, and the location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building setback lines, and utilities.

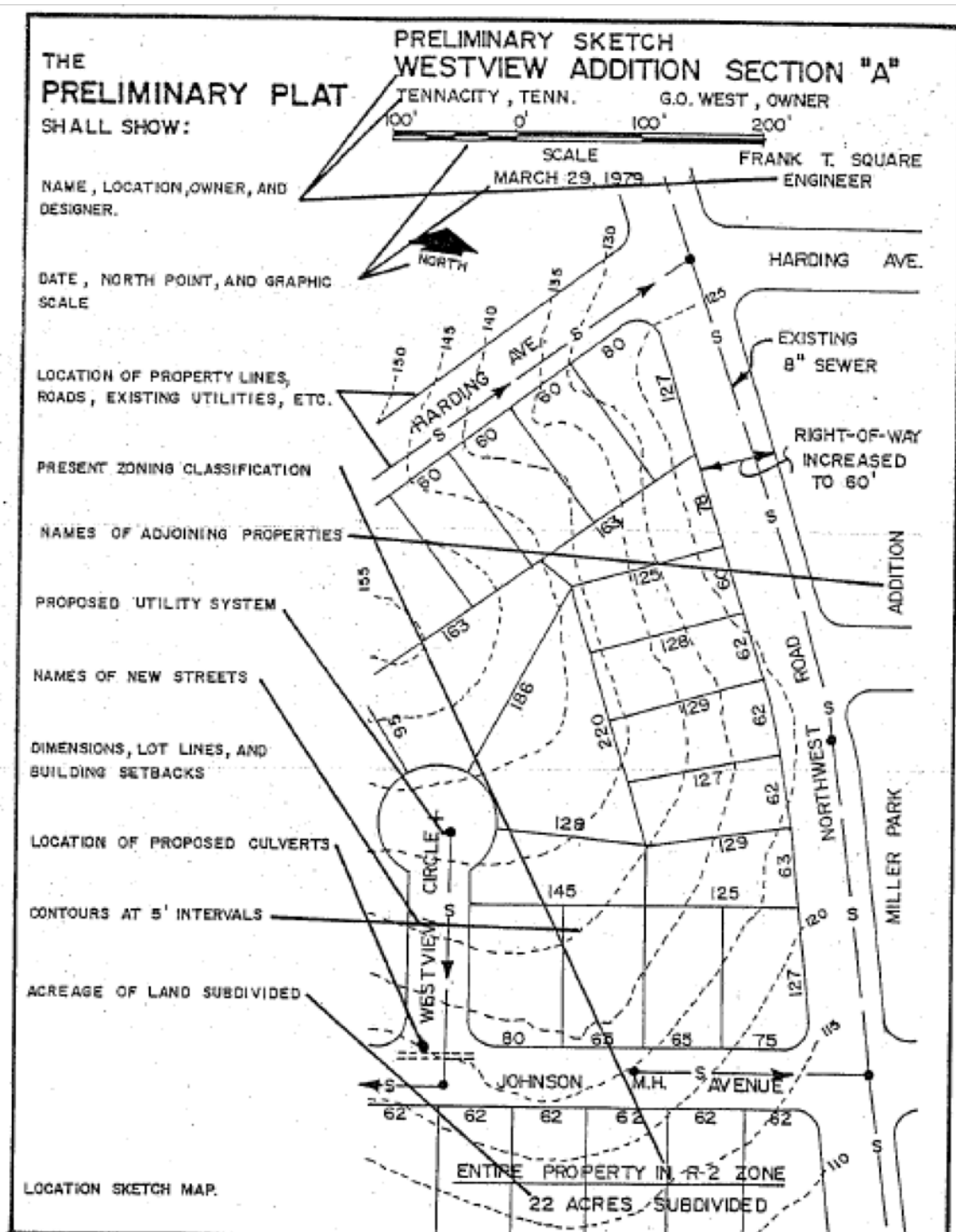
(vii) Topographical contours at vertical intervals of not more than five feet (5').

(viii) Subsurface conditions on the tract, if required by the planning commission; location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth of ground water unless test pits are dry at a depth of five feet (5'); and location and results of soil percolation tests for individual sewage disposal systems.

(ix) If any portion of the land proposed for subdivision lies within a floodable area, as determined by an official flood boundary and floodway map or flood insurance rate map, that portion shall be so indicated.

(x) Location sketch map showing relationship of subdivision site to area.

(c) At least seven (7) days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission's administrative aide eight (8) copies of any required preliminary plat of a proposed subdivision. If necessary the developer should provide copies to the health department. At the time of submission the administrative aide shall issue a receipt acknowledging said submission. Neither the submission of the preliminary plat nor the receipt issued by the administrative aide shall constitute submission of the preliminary plat for consideration by the planning commission. The administrative aide will give copies of the plat to the staff planner for review and distribute copies to all applicable utilities and departments (water, street, electric, or gas, as necessary).



(d) The preliminary plat shall be presented by the developer or his designated representative to the planning commission at its next meeting for a review period not to exceed thirty (30) days. The developer should be physically present at the meeting(s) to answer questions and hear suggestions about his proposed development or be represented by an authorized agent as discussed in § 14-502(1)(d).

(e) Within thirty (30) days after submission of the preliminary plat to the planning commission for consideration, the planning commission shall approve or disapprove said plat. Failure of the planning commission to act on the preliminary plat within the thirty (30) day period will be deemed approval of this plat. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be included.

(f) If a plat has been disapproved, a new plat may be presented as though no previous plat had been submitted. If a plat has been approved, or approved subject to modifications, and the subdivider desires to make substantial modifications other than those already required by the planning commission, a new preliminary plat must be submitted, which is subject to the same regulations and procedures as though no previous plat had been submitted, except that a certification to the effect that the previous plat has been withdrawn must be submitted. If the state health department rejects any lot(s) or recommends any alteration of lot size or shape, the plat must be resubmitted for preliminary plat review.

(g) Two (2) copies of the preliminary plat will be retained in the planning commission files, copies shall be retained by the applicable utility departments, and one (1) copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.

(h) The approval of the preliminary plat by the planning commission shall not constitute acceptance of any final plat.

(i) The approval of the preliminary plat shall terminate unless a final plat based thereon is submitted within one (1) year from the date of such approval; provided, however, that an extension of time can be applied for by the developer and granted by the planning commission. If no work has begun to install improvements and if an approved final plat has not been financially guaranteed, and the Gordonsville Municipal Subdivision Regulations have changed, the subdivision must meet the new regulations.

(3) Final plat requirements. (a) The final plat shall conform substantially to the approved preliminary plat. Any alterations or deviation from the preliminary plat should be discussed with the staff planner to determine if the changes require new preliminary plat review.

The final plat shall meet minimum standards of design as set forth in § 14-503 and the Standards of Practice for Land Surveyors, chapter 820-3 and its subsequent amendments. (See sample final plat, page 14-120.)

(b) The plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') on sheets not larger than twenty-four by thirty inches (24" x 30") in size. When more than one (1) sheet is required, an index sheet of the same size drawn at an easily read scale shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

(c) If the subdivision is to be developed in phases and the final plats submitted as portions or sections of the preliminary plat, the sections must be identified by alphabetical characters, following the name of the subdivision as initially submitted or as approved on preliminary.

(d) A final plat will not be acceptable for submission unless it meets all required standards of design, and contains all required information, or contains a written request for a variance for each specific deviation from requirements.

(e) If the final plat is submitted without preliminary plat review (because the subdivision meets the special requirements of § 14-502(1)(c) on page 14-113), subsection (a) above does not apply.

(f) Final plats should be submitted at least seven (7) days prior to the planning commission meeting. If the developer has obtained the signatures of utility and road officials because improvements have been completed or were not required, he should provide those utilities with a copy of the plat, and submit four (4) copies to the planning commission. If the developer is proposing to use a financial guarantee-in-lieu of completion of improvements, he should submit eight (8) copies to the planning commission which will distribute copies to the applicable utilities and road official. All street profiles and other plans that may have been required should be submitted. Neither the submission of the final plat to the administrative aide to the planning commission nor a receipt issued by the administrative aide shall constitute submission of the final plat for consideration by the planning commission.

(g) The final plat shall be officially presented to the planning commission at its next meeting by the developer or his designated representative for consideration for approval or disapproval (see § 14-502(1)(d)).

(h) The planning commission shall approve or disapprove the final plat within thirty (30) days after its submission for consideration. Failure of the planning commission to act on the final plat within this thirty (30) day period shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission.

(i) When the plat has been approved by the planning commission, the original will be returned to the subdivider with the approval of the planning commission certified thereon, for filing with the county register as the official plat of record; two (2) copies will be retained in the records of the Gordonsville Municipal Planning Commission and one (1) copy will be returned to the developer for his records.

(j) Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.

(k) The final plat shall show. (i) The right-of-way and pavement lines of all streets and roads; the size and location of installed and/or pre-existing water mains; alley lines, hydrant locations; lot lines; building setback lines; any easements for rights-of-way provided for public services, utilities and the disposal of surface water; the limitation and/or dimensions of all easements; lots numbered in numerical order; any areas to be dedicated to public use; and any sites for other than residential use, with notes stating their purpose and limitations.

(ii) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

(iii) All dimensions to the nearest one-hundredth (1/100) of a foot and angles to the nearest twenty (20) seconds.

(iv) Location and description of monuments.

(v) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

(vi) Date, title, name and location of subdivision, graph scale, true north point, block and lot number.

(vii) Location sketch map showing in relation to area.

(viii) If any portion of the land being subdivided is subject to flooding or is in a Federal Emergency Management Agency identified flood hazard area, it shall be indicated on the final plat.

(ix) Name and mailing address of developer/owner of property being subdivided; conveyance of property; tax map; group and parcel number of property.

(x) If this is a resubdivision of a previously recorded subdivision, provide plat book and page of last subdivision plat being amended.

(l) The planning commission shall require that an accurate map ("as built" drawings) of all water lines, valves, fire hydrants be supplied by the developer to the Town of Gordonsville as a condition for final approval of any plat. State law requires that plans and specifications of all water and waste water facilities shall be prepared by a registered engineer and approved by the Tennessee Department of Public Health. A copy of such plans shall be forwarded by the developer to the Town of Gordonsville.

(m) Approval of the final plat cannot be given until completion and approval of required improvements. These improvements are to be installed in accordance with § 14-503. The required improvements must be approved by the person(s) designated by town manager and/or a representative of the appropriate utility or road department, and then be reported to the planning commission. The required improvements include:

- (i) Monuments;
- (ii) Storm drainage system;
- (iii) Street grading and paving;
- (iv) Sidewalks (if required);
- (v) Water supply system lines and laterals;
- (vi) Driveway cuts with culverts (homes to be built by developer);
- (vii) Fire hydrants (if applicable);
- (viii) Any other improvements that may be required by the planning commission.

(n) Guarantee in lieu of completed improvements.

(i) Conditions may exist whereby a developer may be unable to install all improvements before requesting final plat approval. In lieu of the installation of all improvements, the planning commission may accept one of the following forms of financial guarantees, whereby in the event of default by the developer, improvements and utilities can be made without cost to the town:

(A) The establishment of cash in a bank escrow account in the full amount of the estimated cost of required improvements plus ten percent (10%) yearly inflation factor.

(B) An irrevocable letter of credit, issued by a bank or savings and loan, signed by two (2) officers, to cover the

full amount of the estimated cost of improvements plus ten percent (10%) yearly inflation factor.

(C) A performance bond from a surety bonding company to cover the full amount of the estimated cost of required improvements, plus ten percent (10%) yearly inflation factor.

(D) A certified check in the full amount of the estimated cost of required improvements, plus ten percent (10%) yearly inflation factor.

(ii) In determining the basic cost of improvements, the planning commission may use a formula using a base cost per linear foot for each required improvement, that being a cost standard in the construction industry that particular year. The planning commission may determine the base cost by receiving information and/or bids from recognized contractors. If the developer provides the bid or estimated cost of improvements, the planning commission must determine that the contractor will guarantee the cost for at least the term of the guarantee plus two (2) months.

(iii) At the time of acceptance of a guarantee, the planning commission shall specify the specific length of time for a bond or escrow account before the town would take legal steps to cash it, but this time cannot exceed two (2) years.

(iv) None of the financial guarantee may be partially withdrawn by the developer during the construction period to pay for development costs except in the case of a final payment made after final inspection and approval by the planning commission, or except in the case where a developer is postponing final paving on a road until after a winter settling period for the completed and approved base roadway.

(v) Forms and agreements to be used for financial guarantees in lieu of completed improvements are found in Appendix B, C and D¹ of this document.

(o) Certification. (See Appendix A for forms¹). In all cases some or all of the following certificates shall be present and signed on the original final plat before the planning commission secretary signs the plat for recording the plat at the register's office.

(i) Form 1. Certificate of ownership and dedication. Certification showing that applicant is the land owner and dedicates streets, rights-of-way, and any sites for public use.

¹Appendices are available in the town recorder's office.

(ii) Form 2. Certificate of accuracy and precision. Certification by surveyor of accuracy of survey and plat and placement of monuments.

(iii) Form 3. Certificate of general approval for installation of subsurface sewage disposal systems. This certification is to be used if any lots will use septic tanks, and must be signed by the appropriate state health department representative before presentation to planning commission for final approval.

(iv) Form 4A. Certificate of approval of water lines. This certification is to be used for any lots where new water lines or hydrants have been (or will be) installed. Part (1) pertains to water facilities installed whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by an official of the applicable water service district.

(v) Form 4B. Certification of existing water lines. This certification is to be used for any lots served by and connected to previously existing water and/or sewer lines. This would be signed by an official of the applicable utility.

(vi) Form 5A. Certificate of streets and drainage system. This certification is to be used for any lots served by new streets, drainage system, etc., recently installed or to be installed, in conformance to planning commission regulations, with signature by applicable official.

(vii) Form 5B. Certificate of existing road(s). This certification is to be used for a subdivision which does not involve new road construction but which fronts on an existing road. That road may not meet planning commission requirements.

(viii) Form 6. Certificate of approval for recording. Certification by planning commission secretary that plat has been approved by the commission. In all cases this certification will be signed only after all other certificates have been signed and after final approval has been granted by the planning commission.

(p) Inspections procedures. The developer shall notify the mayor, town street and utilities supervisor and/or utility district managers when work on streets and/or utilities is to begin and the anticipated schedule for the preparation of subgrade and road base, installation of drainage and underground utilities, and final surfacing of the road. Since the inspections need to be made periodically during the entire process, communication with the mayor, town street and utilities supervisor and/or utility district managers is essential to make the process move as smooth as possible.

The developer shall notify the mayor, town street and utilities supervisor and/or utility district managers at least twenty-four (24) hours in advance of the needed inspection on:

- (i) Street grading, preparation of subgrade, and installation of the drainage system.
- (ii) Installation and pressure testing of water mains, water stubs, and any other underground utility lines.
- (iii) Pavement base. Inspection includes checking thickness of gravel every five hundred feet (500') at random points across width.
- (iv) Final paving and drainage system.

Throughout the construction period, the mayor (or a designated person), town street and utilities supervisor and/or utility district managers will keep a log of findings and periodically report the status to the planning commission staff planner. Problems should be brought to the attention of the planning commission immediately. Upon completion of steps (i)--(iv) listed above, the inspector(s) will submit a written report to the planning commission. These inspection reports will become part of the official records of the planning commission. If a guarantee is posted by the developer in lieu of required improvements, funds shall not be released until all roads and utilities meet all required standards and the planning commission has received written reports to that effect. (Ord. #88-05-00, May 1988)

14-503. Design and specifications. A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability.

(1) Suitability of the land. (a) Land physically unsuitable for subdivision.

(i) Land where flooding, bad drainage, steep slopes, rock formations, and other such features which may endanger health, life or property, aggravate erosion, increase public funds for supply and maintenance of services; and

(ii) Land which other public agencies have investigated and found in the best interest of the public not suitable for the type of platting and development proposed shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

(b) Land unsuitably located for subdivision. (i) The planning commission shall not approve what it considers to be scattered or

premature subdivision of land which would endanger health, safety, or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services.

(ii) Land unsuitable for subdividing is also that located in close proximity to potentially hazardous commercial operations which may endanger health, life or property of the residents of the proposed subdivision.

(2) Special requirements for floodable areas. (a) Purpose. The purpose of this section is for the review of subdivision proposals to determine whether such proposals will be reasonably safe from flooding. In order to accomplish this, the following regulations shall apply.

(b) Definition of "land subject to flooding." (i) For the purpose of these regulations, "land subject to flooding" shall be defined as the special flood hazard areas within the corporate limits of Gordonsville as shown on the flood boundary and floodway maps and flood insurance rate map for Smith County, dated April 15, 1981, and any revision thereto, and until such time as similar maps are printed for Gordonsville.

(ii) All subdivision developments in the Town of Gordonsville shall adhere to the regulations adopted in the Gordonsville Flood Plain Zoning Ordinance, adopted on December 3, 1987.

(c) Regulations for subdivisions containing land subject to flooding. (i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All creeks, lakes, ponds, sinkholes or other drainage areas shall be shown on the preliminary and final subdivision plat.

(iii) Every lot platted shall have a flood-free building site.

(iv) All subdivision proposals shall have public utilities and facilities, such as gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(v) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(vi) Base flood elevation data shall be provided for all subdivision proposals containing land subject to flooding.

(vii) Utilities. (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration.

(C) If on-site waste disposal septic systems are to be used, a flood-free site shall be provided on each lot in order to avoid impairment to them or contamination from them during flooding.

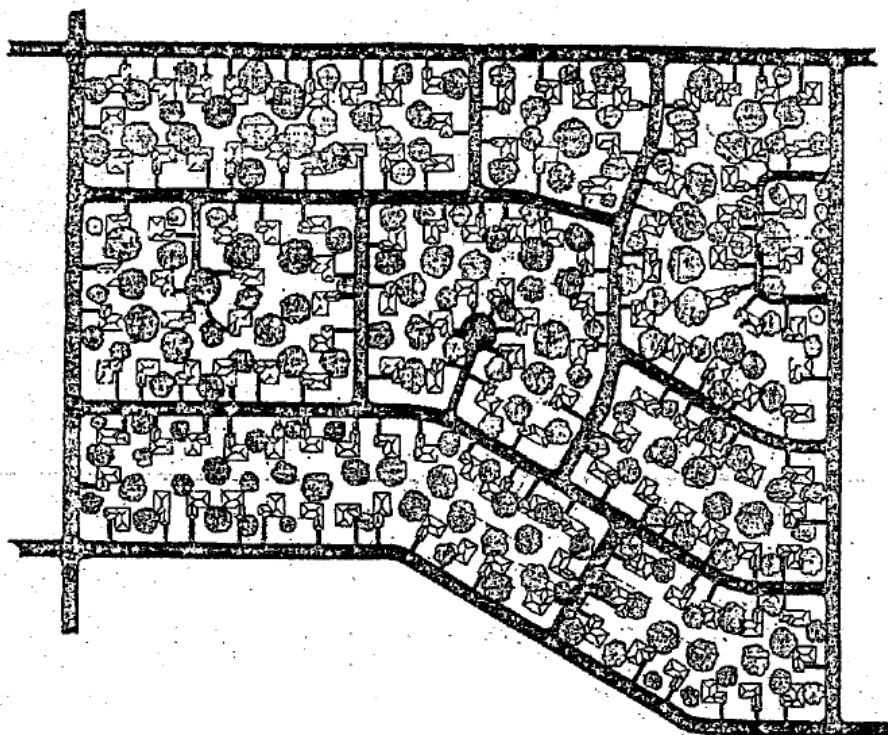
(3) Monuments. (a) Concrete monuments four inches (4") in diameter, square, three feet (3') long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

(b) All other lot corners shall be marked with iron pipe not less than three-fourth inches (3/4") in diameter and twenty-four inches (24") long, and driven so as to be flush with the finished grade.

(4) Streets. (a) General information.

(i) Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Local streets shall be so laid out that their use by through traffic will be discouraged. Where, in the opinion of the planning commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The curvi-linear street layout will be encouraged by the planning commission (See Diagram 1.)

Diagram 1



(ii) Conformity to the major road plan. The location and width of all streets and roads shall conform to the official major road plan.

(iii) Relation to adjoining street system. The proposed street system shall extend any adjoining existing streets at the same or greater width, but in no case less than the required minimum width.

(iv) Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as practicable to the original topography.

(v) Flood prevention. Streets which will be subject to inundation or flooding shall not be approved. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions are anticipated, profiles and elevations of streets will be required in order to determine the advisability of permitting the proposed street layout.

(b) Street right-of-way widths. The minimum width of the street right-of-way, measured from lot line to lot line, shall be as shown on the major road plan, or if not shown on such a plan, shall be not less than as listed below:

(i) Arterial streets and highways 80-150 ft.
(See definition § 14-501(4)(i))

(ii) Collector streets 60 ft.
(See definition § 14-501(4)(ii))

(iii) Minor residential streets 50 ft.
(See definition § 14-501(4)(iv))

(iv) Marginal access streets 50 ft.
(See definition § 14-501(4)(v))

(v) Cul-de-sacs 100 ft.
(See definition § 14-501(4)(iii))

(vi) Alleys (if approved) 30 ft.
(Used primarily for business or industrial areas to provide service access to the rear of lots.)

(c) Minimum surfacing widths. (i) Minimum surfacing widths shall be as follows:

(A) Minor residential and rural streets . . . 26 ft.

(B) Cul-de-sacs 80 ft.

(See also 14-503(4)(h)(i))

(C) Collector streets 36 ft.

(D) Arterial streets and highways 48 ft.

(ii) Due to the diversity of the development in the planning region, ranging from sparsely populated agricultural areas to densely populated urban areas, required surfacing widths may necessarily vary with the character of building development, the amount of traffic encountered, and the need to provide space for on-street parking.

(iii) In general, streets through proposed business areas shall be considered either collector streets or arterial streets and the street widths of streets so located shall be increased six feet (6') on each side if needed to provide parking without interference to normal passing traffic.

(d) Additional width on existing streets. Subdivisions that abut existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

(i) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(ii) When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

(e) Street grades. (i) Grades on major streets shall not exceed seven percent (7%); grades on other streets shall not exceed fifteen percent (15%). No more than three percent (3%) grade within fifty feet (50') of any intersection with a collector or arterial street will be allowed.

(ii) Upon preliminary plat approval, if the street grade appears questionable, a street grade profile map may be required for the questionable area before approval of final plat.

(iii) Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred feet (200'), said sight distance being measured from the driver's eyes, which are assumed to be four and one-half feet (4 1/2') above the pavement surface.

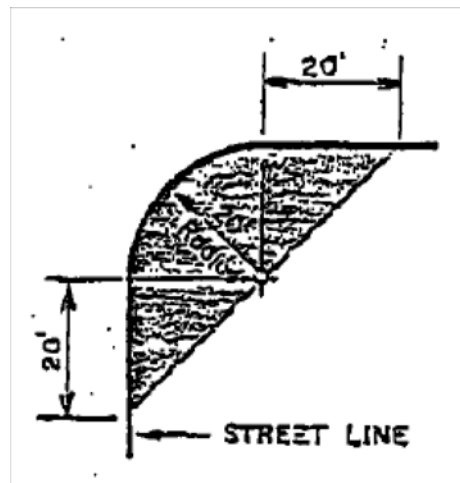
(iv) Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred feet (1" = 100') horizontal, and one inch equals twenty feet (1" = 20') vertical, may be required by the planning commission.

(f) Curves. (i) Horizontal curves. Where a deflection angle of more than ten degrees (10°) in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty feet (60') or more in width, the center line radius or curvature shall be not less than three hundred feet (300'); on other streets it shall be not less than one hundred feet (100').

(ii) Tangents. A tangent of at least one hundred feet (100') in length shall be introduced between reverse curves on all streets.

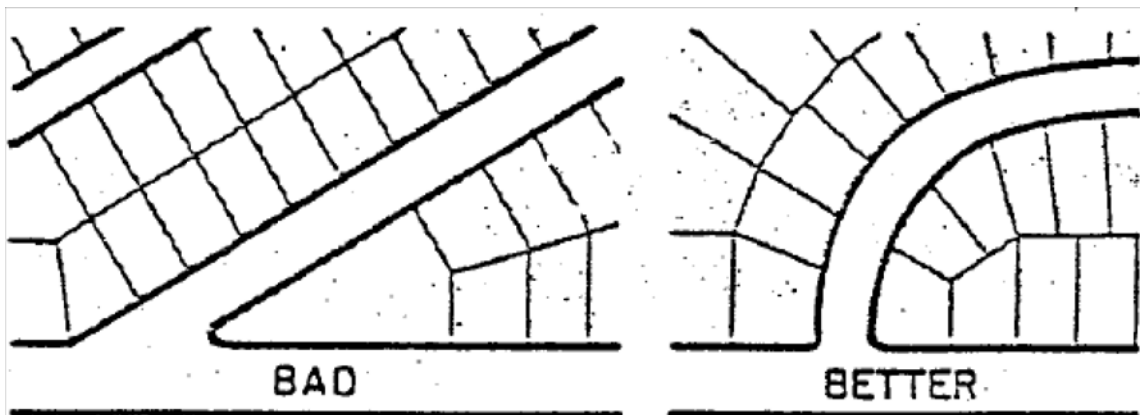
(iii) Curve radii at street intersections shall not be less than twenty feet (20') and where the angle of street intersection is less than seventy-five degrees (75°) the planning commission may require a greater curb radius. To permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

Diagram 2



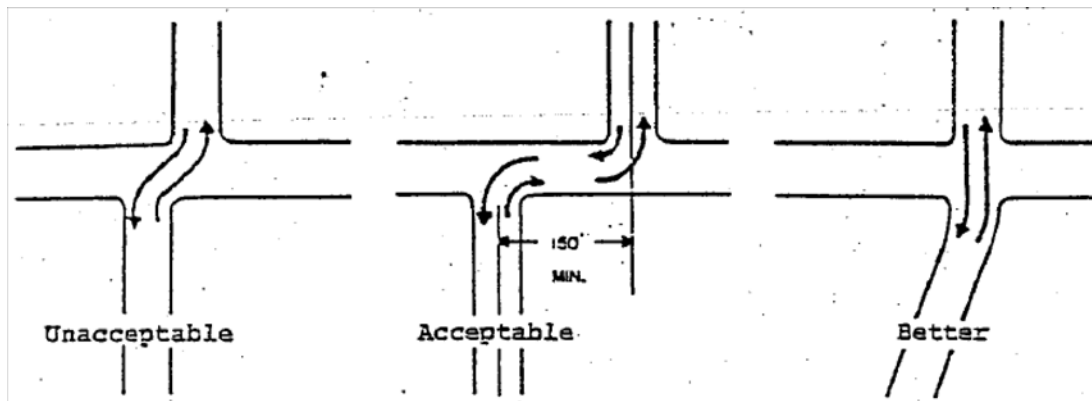
(g) Intersections. (i) Street intersections shall be as nearly at right angles as is possible and no intersection shall be at the angle of less than sixty (60°) degrees.

Diagram 3



(ii) Street jogs. Street jogs with center line offsets of less than one hundred fifty feet (150') shall not be allowed if the proposed street is to connect with or is an arterial or collector street. Street jogs on minor residential streets with center line offsets of less than one hundred twenty-five feet (125') shall not be allowed.

Diagram 4



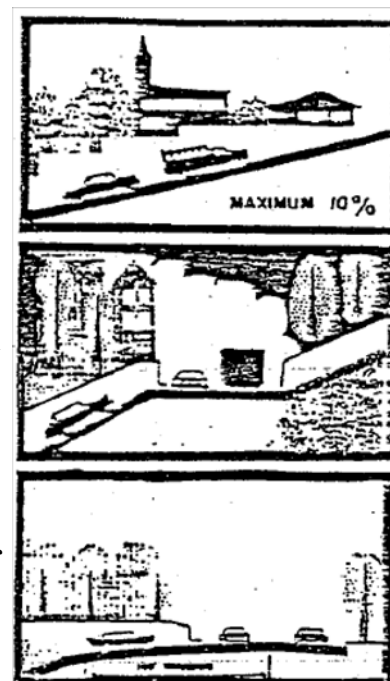
(iii) Visibility of intersections; steep grades and curves. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be leveled and cleared of brush (except isolated trees) and obstruction above the level three feet (3') higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.

Diagram 5

Excessive grades on any street create traffic and drainage problems.

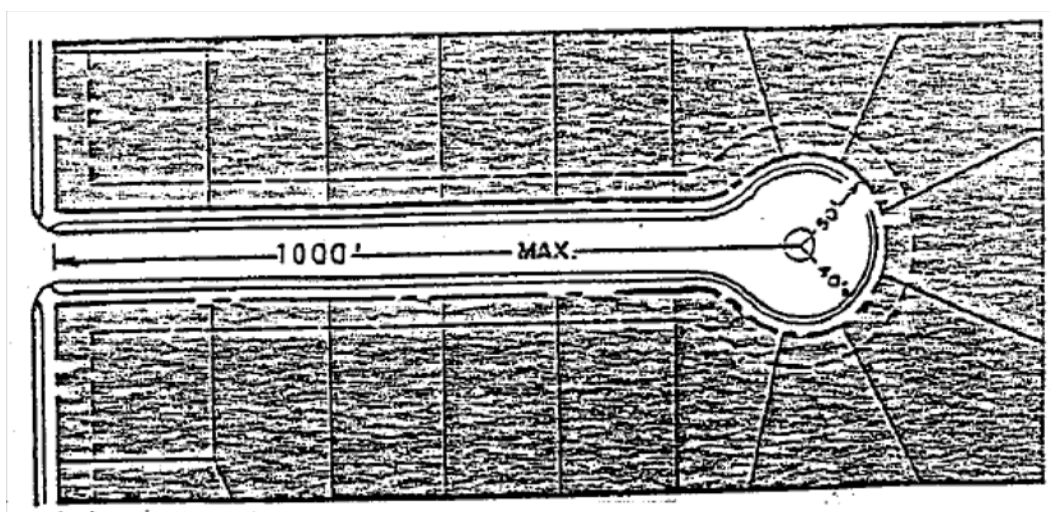
Steep grades at intersections reduce sight distances and hinder vehicle control.

Street grades should be flattened out within 100 feet of intersections.



(h) Dead-end streets. (i) Permanent. Minor terminal streets or courts designed to have one (1) end permanently closed shall be no more than one thousand feet (1,000') long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside pavement diameter of at least eighty feet (80') and a street right-of-way diameter of at least one hundred feet (100').

Diagram 6



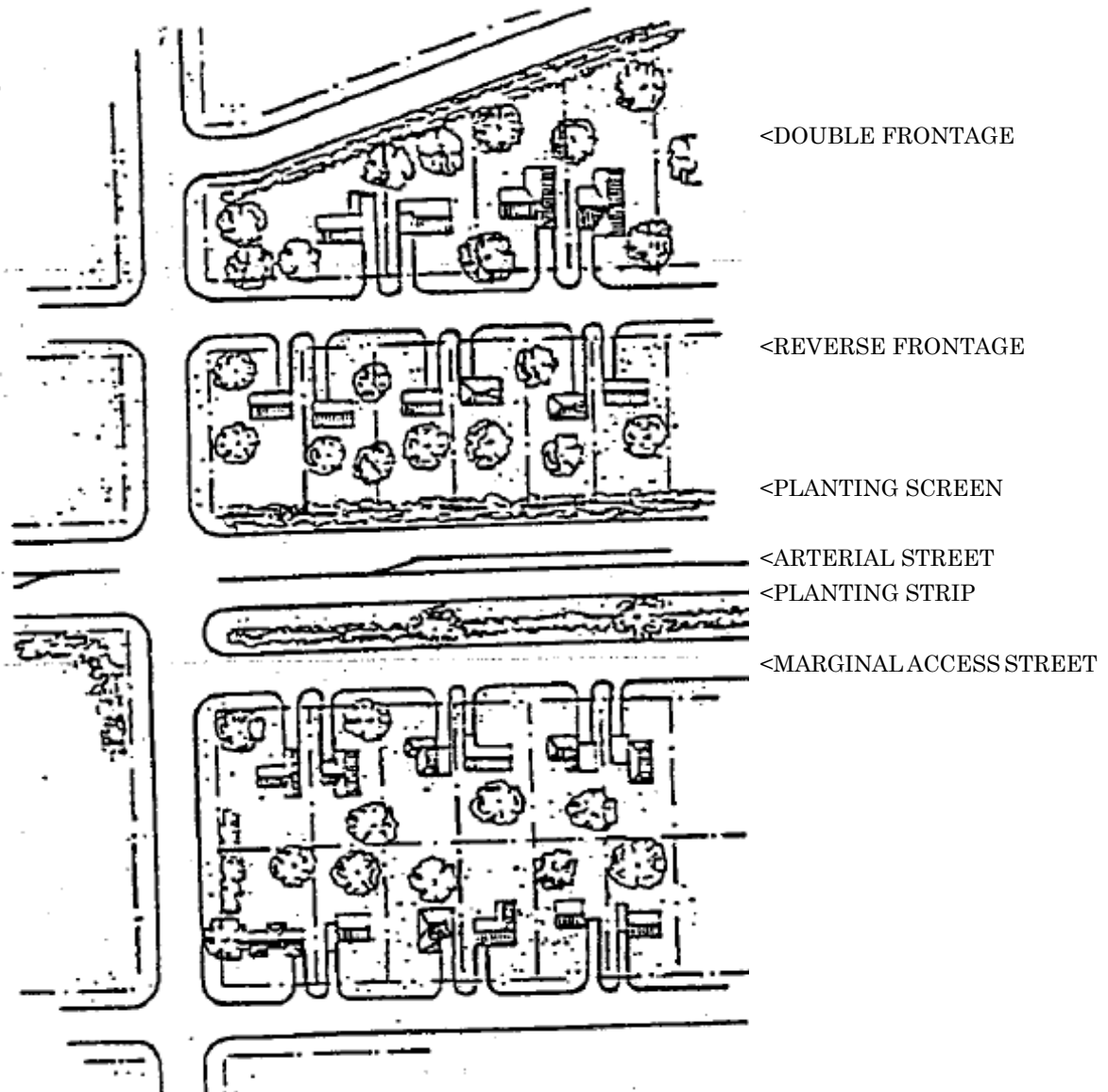
(ii) Temporary. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary paved turn-around having a roadway surface diameter of at least eighty feet (80').

(i) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

(j) Permanent easements. Permanent easements shall be developed to meet all standards required for town streets as provided in these regulations. These include, but are not limited to, all requirements for street right-of-way widths, minimum surfacing widths, street grades, curves, intersections, dead-end streets, sidewalks, streets in commercial

subdivision developments, street names, and street construction procedures and specifications.

(k) Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the commission may require either marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.



(l) Sidewalks (optional). For the safety of pedestrians and of children going to school, installations of sidewalks on one side or both sides of the street may be required on certain collector and arterial streets, in the vicinity of schools, and in order locations where the planning commission considers sidewalks to be needed.

Sidewalks shall be located in the street right-of-way not less than one foot (1') from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date.

In a single family residential area, concrete sidewalks shall be four feet (4') wide and four inches (4") thick. In multi-family or group housing developments, sidewalks shall be five feet (5') wide and four inches (4") thick. In commercial areas, sidewalks shall be ten feet (10') wide and four inches (4") thick.

(m) Streets in commercial subdivision developments. (i) Service streets or loading space in commercial development. Paved rear service streets or alleys of not less than twenty feet (20') wide, or adequate off-street loading space with a suitable paved surface shall be provided in connection with lots designed for commercial use.

(ii) Free flow of vehicular traffic abutting commercial developments. In front of areas designed for commercial use, the street's width shall be increased by such amount on each side as may be deemed necessary by the planning commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

(n) Street names. (i) Proposed streets, which are obviously in alignment with others already existing and named, shall bear the name of existing streets.

(ii) New street names shall be substantially different so as not to be confused in sound or spelling with present street names as shown on the street index map for the Town of Gordonsville. The only exception to this policy is where a proposed street is an extension of (or is in alignment with) an existing street. Generally, no street could change direction by more than ninety (90°) degrees without a change in street name.

(iii) The developer is encouraged to erect street name signs in subdivisions outside town limits of Gordonsville at all intersections. These add value to land subdivision and enable strangers, delivery concerns, emergency vehicles, and even potential buyers to find their way around. The subdivider should consult with the town street department.

(o) Street construction procedures and specifications. (i) Street construction specifications.

<u>Cross section</u>	<u>Local</u>	<u>Collector roads</u>
Right-of-way	50 ft.	60 ft.
Width of base	30 ft.	40 ft.
Thickness of base	6 in.	6 in.
Width of surfacing	26 ft.	36 ft.
Roadbed width	32 ft.	44 ft.

(ii) Subgrade preparation. Before grading is started, the areas within the limits of construction shall be cleared of all objectionable matter, such as trees, stumps, roots, weeds, heavy vegetation, etc. Top soil shall be removed and stock piled for later use as a topping-out material for seeding and sodding.

If rock is encountered, it shall be removed or scarified to provide adequate roadway drainage. The subgrade shall be constructed according to section 207 of the Standard Specifications for Road and Bridge Construction, by the Tennessee Department of Highways (and all subsequent revisions) and approved by town engineer.

Grading shall follow these standards:

<u>Cut and Fill Slopes</u>	<u>Differences between elevation of grade and ground</u>
4:1	0' to 2'
3:1	2' to 6'
2:1	6' to 9'
1 1/2:1	9' and over
1/2:1	rock slopes

After grading is completed, and before any base is applied, all of the underground work (water and sewer lines, if applicable, any other utilities, service connections, and drainage culverts) shall be installed completely throughout the length and width of the road. Where the subgrade is cut for the installation of underground utilities, the backfill shall be thoroughly compacted in layers not to exceed eight inches (8") in thickness, by hand, or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original compacted fill.

The finished subgrade shall provide for the superelevation and crown of the roadway.

(iii) Street drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18"). Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the roadbed.

(iv) Road bank seeding and erosion control. Areas disturbed by cut or fill along roadways shall be shaped and seeded with permanent vegetation. This work should be accomplished in conjunction with roadway construction in order to reduce erosion and prevent the siltation and clogging of culverts and drainage ways. In areas with slopes over three percent (3%) grade excluding rock conditions, sodding of drainage ways, concrete waterways and/or ditch checks may be required.

(v) Pavement base preparation. After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half inches (2 1/2") down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six inches (6").

Construction shall be as specified in section 303 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways (and all subsequent revisions).

After the thoroughly compacted base has been established it should be allowed to settle for a period of four to six (4 – 6) months under normal traffic conditions prior to application of all-weather, hard surfacing. If the developer chooses this option, and wants final plat approval before applying the final surfacing, he must set up a financial guarantee to cover the cost of the surfacing.

Before final surfacing, and after the settling period, the developer shall insure that a minimum base of six inches (6") is provided.

(vi) Prime coat. The base, prepared as outlined above, shall be sprinkled lightly with water to settle any loose dirt. A bituminous prime coat shall then be applied uniformly over the surface to the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of three-tenths (3/10) gallon per square yard, using cutback asphalt, grade RC-70 or RC-250, or refined tar, grade RT-2, RT-3, or emulsified asphalt grade AE-P.

This shall be immediately covered with crushed stone at the rate of ten (10) pounds per square yard. The chips shall be applied with suitable spreading devices to prevent the tires of the truck from tracking over the fresh bituminous material.

(vii) Wearing surface. Upon completion of the prime coat, an asphaltic concrete surface (hot mix) shall be applied by the developer. The composition of this mix will be five to eight percent (5-8%) by weight mineral aggregate. The mineral aggregate shall be composed of fifty to fifty-five percent (50-55%) crushed limestone and forty-five to fifty percent (45-50%) natural or manufactured sand and shall meet the following range of graduations:

<u>Grading sieve size</u>	<u>Total percent passing (By weight)</u>
1/2"	100
3/8"	88-100
No. 4	56-80
No. 8	40-60
No. 30	18-38
No. 50	8-26
No. 100	5-15
No. 200	2-10

The sand portion of the mineral aggregate shall be so graded that not more than five percent (5%) will be retained by No. 4 sieve. The rate of spread for the asphaltic concrete mix will be two hundred (200) pounds per square yard.

Construction equipment to be used shall meet the specifications of Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1968 edition, sections 407.04 through 407.08. Construction procedures will follow the specifications of section 407.09 through 407.18 of the

same document. Exceptions to the above specifications; section 407.15 compaction, will be as indicated in condition three (3) for asphaltic concrete surface course. Also, the last sentence of section 407.17 will not apply.

(viii) Inspections. The roadway shall be inspected at various stages of construction by the appropriate town street authority. Written approval must be made by the inspector at each stage prior to proceeding. (See 14-502(3)(p) for additional information on inspections procedures.)

(5) Utilities. (a) Easements. The planning commission may require easements, not less than twelve feet (12') and not more than twenty feet (20') in width for poles, wires, conduits, storm sewers, gas, water and heat mains, or other utility lines, along all rear lot lines, along side lot lines if necessary, or if in the opinion of the planning commission, advisable. Easements of the same or greater width may be required along lot lines, where necessary, for the extension of existing or planned utilities.

(b) Installation. After road grading is completed and approved and before any gravel or surfacing is applied, all of the underground work (water mains and other underground utilities, where applicable, and all service connections) shall be installed completely and approved throughout the length of the road and across the flat section.

(c) Water supply system. (i) Accessibility. The provision of a public water supply is deemed by the planning commission to be essential to the public welfare in developments where homes will be in close proximity to each other. When a proposed subdivision is not directly adjacent to an area served by a public water supply system, the planning commission shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. Lands without accessibility to public water supply systems or developments not capable of the provision of an adequate supply of water through an approved system of production, storage, and distribution, capable of providing adequate flow for domestic use and fire protection, shall be deemed unsuitable for development as a subdivision until such time as this system can be provided. Exception may be considered on an individual basis for good cause.

(ii) Water mains properly connected with the Town of Gordonsville's water supply system or to the applicable water utility district system shall be constructed in such a manner as to serve all lots shown on the subdivision plat for both domestic use and fire protection.

(iii) Materials and construction procedures for water mains and connections shall be in accordance with basic requirements of the applicable water district.

(iv) Mains of six inches (6") in diameter shall be installed throughout the subdivision and shall connect to existing six inch (6") water mains; except along cross streets of one thousand feet (1,000') or less and in the last five hundred feet (500') of permanent cul-de-sacs, where no less than two inch (2") mains may be installed. Every attempt shall be made to establish a gridiron layout, preferably "looped," with a minimum of dead-end lines. All lines shall meet the specifications of the applicable water service district.

(v) Connections to the water system shall be installed for every lot in a subdivision so that future connections will not require digging up or tunneling under streets or interruption to service to other connections on the system.

(vi) Fire protection. (A) If fire protection can be provided at the time of platting, then fire hydrants shall be spaced approximately five hundred feet (500') apart in residential areas and no less than three hundred feet (300') apart in commercial areas. They shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.

(B) If fire hydrants are not deemed necessary by the planning commission at time of platting, then "t's" with caps shall be placed at hydrant locations as specified above.

(C) All fire hydrants shall have two (2) two and one-half inch (2 1/2") outlets and one (1) outlet to fit large fire department suction hoses.

(D) There shall be a valve in the lateral between the street main and fire hydrant.

(d) Septic tanks. Lots must contain adequate area for the installation of approved septic tank(s) and disposal fields as determined by and approved in writing by the appropriate state health officer prior to the plat receiving final approval.

(e) Other utilities (gas, electric, telephone, cable TV, etc.)

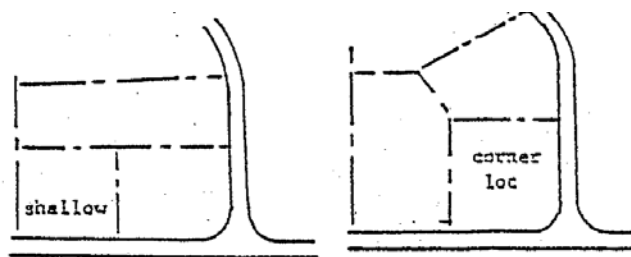
(i) Below ground. The planning commission shall encourage the complete use of underground utilities wherever practical. These are to be installed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines. The following requirements shall apply: After grading is completed and approved, and before any pavement base is applied, all of the instreet underground work (water, gas and electric lines and all service connections) shall be completely installed and approved throughout the length of the street and across the flat section. The subdivider should install underground

service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

(ii) Above ground. Where electric, telephone and/or cable TV utilities are to be installed above ground, they should be provided for in rear lot easements whenever practicable. These easements shall be perpetual, unobstructed, a minimum of twenty feet (20') in width and provided with satisfactory street access. Whenever possible, easements shall be cleared and graded where required.

(6) Lots. (a) Lots to be buildable. The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage one later creation of a second building lot at the front or rear.

CORNER LOT TOO
SMALL ADJOINING
LOT TOO SMALL



CORNER LOT
ENLARGED
ADJOINING LOT
GIVEN GREATER
DEPTH

MAKE SHALLOW LOTS DEEPER
CORNER LOTS LARGER

(b) Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

(c) Minimum lot size. The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public water supply system is reasonably accessible, the subdivider shall connect with such system and provide connections to each lot.

Residential lots served by public water and private sewage disposal systems (septic tanks):

Minimum area = 20,000 sq. ft., or as determined by state health officer.

Minimum width at building setback line = 100 ft., or as determined by state health officer.

Greater area may be required for private sewage disposal if there are factors of drainage, soil condition or other conditions to cause potential health problems. The planning commission requires that

results from soils tests be submitted in order to approve subdivisions dependent upon septic tanks as a means of sewage disposal.

(d) Non-residential lots. The size of lots reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street services and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land so as to provide insulation against adverse effect on present or future adjacent residential development.

(e) Building setback lines. (i) The minimum depth of building setback lines from the abutting street right-of-way shall be as follows:

- (A) Local streets 30 ft.
- (B) Collector streets 40 ft.
- (C) Arterial streets 50 ft.

(ii) The building setback line from the side and rear lot lines shall be ten feet (10').

(f) Off-street parking. All residential subdivision lots shall provide sufficient off-street parking space for at least two (2) vehicles. Non-residential subdivisions shall provide sufficient off-street parking and loading space.

(7) Drainage. (a) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. This will include adequate easements to remove surface water from the buildable portion of lots.

(b) Removal of spring and surface water. The subdivider may be required by the planning commission to carry away pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

(c) Other watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the road supervisor. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required, and it shall in no case be less than twenty feet (20') in width.

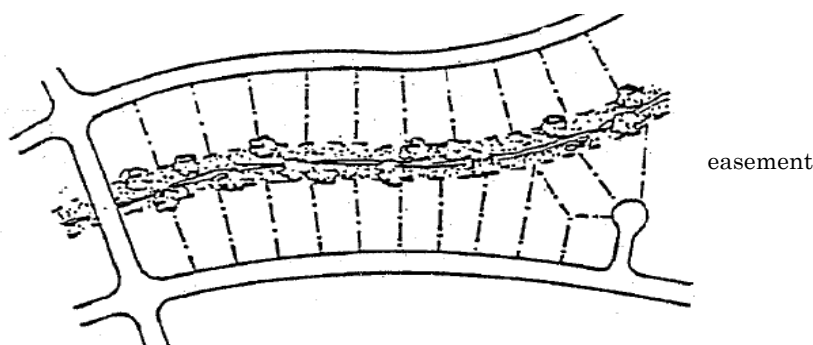
(d) Storm drainage under roads. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18") in diameter. Cross drains shall be built on straight line and grade, and shall be laid on a

firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact with the top of the pipe at least one foot (1') below roadbed.

(e) Driveway culverts shall be a minimum of fifteen inches (15") in diameter.

(f) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

Diagram 10



EXAMPLE OF DRAINAGE EASEMENT AT REAR OF LOTS

(g) Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage, provision shall be made for the improvement of said condition.

(h) Land subject to flooding. See § 14-503(2) for special requirements for floodable areas.

(i) Erosion reduction. The planning commission may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover, and other measures to reduce erosion and sedimentation during and after development.

(8) Parks, open spaces, and natural features. (a) Recreation areas shown on town plan. Where a proposed park, playground or open space shown on the town or county plan is located in whole or in part in a subdivision, the commission shall require that such area or areas be shown on the plat in accordance with the requirements specified in

subsection (c) below. Such area or areas may be dedicated to the town or county by the subdivider if the applicable governing body approves such dedication.

(b) Parks and playgrounds not shown on town plan. (i) The planning commission may require that the plat show site(s) of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The planning commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.

(ii) The developer may want to set aside lot(s) or acreage for public open space or a public park. In such case the developer should discuss his ideas and/or plans with the planning commission, the mayor and the applicable parks and recreation board to determine if the appropriate governing body would consider accepting such dedications and if the town would require improvements by the developer.

(iii) Within one (1) year from the date the subdivision improvements (water, sewer, roads) are completed, the developer may submit to the appropriate local governing body, a proposal to dedicate land area to the public as a park, playground or other open space. In such case the developer should notify the planning commission by letter of his intention and plan. The planning commission will review the proposal and recommend for or against approval to the appropriate governing body. The planning commission encourages the governing body to act on such proposals within ninety (90) days. The developer is reminded that the town has the right to accept or reject any dedication and can impose any of additional requirements.

(c) Information to be submitted. (i) For any area that is proposed to be used for open space, a park or playground, the subdivider shall submit, prior to final approval, to the commission, three (3) prints drawn in ink showing, at a scale of not less than thirty feet (30') to the inch, such area and the following features thereof:

(A) The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.

(B) All existing or proposed features such as brooks, ponds, clusters of trees, rock outcrops, structures, water/sewer lines, easements, etc.

(C) Existing, and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

(D) Certificate of ownership and dedication.

(E) Certificate of accuracy.

(d) Waiver of plat designation of area for park and playground. In cases where the planning commission finds that due to the size, topography, or location of the subdivision land for park, playground or other recreation purposes cannot be properly located therein, or in the opinion of the commission it is not desirable, the commission may waive the requirements that the plat show land for such purposes.

(e) Preservation of natural features. The planning commission shall, wherever possible attempt to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets. Any natural features that are to be preserved either by request of the planning commission or by decision of the developer shall be deeded to the Town of Gordonsville. An easement not less than ten feet (10') in width shall be provided for access to and circulation around any common natural features. (Ord. #88-05-00, May 1988)

14-504. Enforcement and penalties for violations. The enforcement of these regulations and penalties for the unapproved recordation or transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

(1) Enforcement. (a) No land in an unapproved subdivision shall be transferred, sold, agreed to be sold, or negotiated to be sold without a plat of said subdivision having been submitted to the municipal planning commission and approved; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not be excluded as provided in Tennessee Code Annotated, § 13-4-306.

(b) No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers or the construction of other facilities or utilities in any street located within the area of planning jurisdiction, unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission, or a thoroughfare plan made and adopted by the commission as provided in Tennessee Code Annotated, § 13-4-307.

(c) Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the municipal planning commission and obtained its approval and before such plat be recorded in the office of the county register, shall be deemed guilty of a

misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties as provided in Tennessee Code Annotated, § 13-4-306.

(d) Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the town attorney or other official designated by the Gordonsville Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed in accordance with Tennessee Code Annotated, § 13-4-308.

(e) No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the planning commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations, as provided in Tennessee Code Annotated, § 13-4-308.

(2) Penalties. No county register shall file or record a plat of a subdivision of land within the municipality without the approval of the planning commission as required by Tennessee Code Annotated, § 13-4-302, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (Ord. #88-05-00, May 1988)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING**¹**CHAPTER**

1. MISCELLANEOUS.
2. COMMERCIAL VEHICLE SPILLAGE REGULATIONS.

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

15-101. Rules of the road adopted.

15-101. Rules of the road adopted. By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Gordonsville adopts by reference as if fully set forth in this section the “Rules of the Road,” as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of Gordonsville adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139 and § 55-21-108 by reference as if fully set forth in this section. (Ord. #07-11-15, Jan. 2008)

¹Municipal code references

Court costs for traffic citations: title 3.

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

CHAPTER 2

COMMERCIAL VEHICLE SPILLAGE REGULATIONS

SECTION

15-201. Regulations.

15-202. Safety restrictions.

15-203. Violation and penalty.

15-201. Regulations. (1) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit any commercial vehicle operated on any street, road, or highway within the town limits of Gordonsville unless such vehicle is so constructed or loaded as to prevent any of its load from falling, shifting, leaking, or otherwise escaping therefrom.

(2) The provisions of this chapter shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, wagons, trailers, etc. temporarily moved upon a street, road or highway; nor the necessary spreading of any substance in street, road, or highway maintenance or construction operations.

(3) This grant of exemption shall in no way relieve the person, firm, corporation, association or others from the consequences, damages, or claims resulting from such transport; nor relieve the person, firm, corporation, association or others from the responsibility of using safe practices or from getting a permit from any other agency that may require such. (Ord. #98-12-14, April 1999)

15-202. Safety restrictions. No person shall operate a commercial vehicle on any street, road, highway or thoroughfare within the town limits of Gordonsville with any load unless such load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (Ord. #98-12-14, April 1999)

15-203. Violation and penalty. (1) Any violation of this chapter shall constitute an offense and shall be punishable by a civil fine not to exceed five hundred dollars (\$500.00) for each offense.

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

(3) In addition to the penalties provided in the foregoing subsection, whenever a person, firm, corporation, association or others violate any provisions of this chapter, or fail to comply with any requirement of the Town of Gordonsville under authority of this chapter, said chapter shall not prevent

the town from seeking injunctive relief, criminal sanctions, or any other available remedy in law or equity. (Ord. #98-12-14, April 1999)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. UNIFORM PROPERTY NUMBERING SYSTEM.

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

- 16-101. Obstructing streets, alleys or sidewalks prohibited.
- 16-102. Trees and shrubbery projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys or sidewalks prohibited.
- 16-107. Littering streets, alleys or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Animals and vehicles on sidewalks.

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. (1994 Code, § 16-101)

16-102. Trees and shrubbery projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen feet (14'). (1994 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1994 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1994 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by governing body. (1994 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley or sidewalk. (1994 Code, § 16-106)

16-107. Littering streets, alleys or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley or sidewalk any refuse, glass, tacks, 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. (1994 Code, § 16-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1994 Code, § 16-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1994 Code, § 16-109)

16-110. Parades regulated. It shall be unlawful for any club, organization or similar group to hold any meeting, parade, demonstration or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such

¹Municipal code reference

Building code: title 12, chapter 1.

representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1994 Code, § 16-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead or tie any animal, or ride, push, pull or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1994 Code, § 16-112)

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Permit requirements.
- 16-202. Application process.
- 16-203. Fee schedule.
- 16-204. Deposit or bond requirements.
- 16-205. Safety restrictions.
- 16-206. Restoration of streets, sidewalks, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Violation and penalty.

16-201. Permit requirements. (1) It shall be unlawful for any person, firm, corporation, association or others to make any excavation in any street, alley or public place, or to tunnel under any street, alley or public place, or to make a cut in 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 all applicable state and federal regulations.

(2) It shall also be unlawful to violate, or vary from the terms of any such permit.

(3) Any person maintaining pipes, lines or other underground facilities in and/or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business and said permit shall be retroactive to the date when the work was done. A written report detailing the circumstances surrounding the emergency work shall be attached. (Ord. #98-05-12, May 1998)

16-202. Application process.¹ (1) Applications for such permits shall be made to the town recorder, or such person as designated by the town recorder to receive such applications, and shall state the following nonexclusive:

- (a) Location of the intended excavation, tunnel and/or cut;
- (b) Size of excavation, cut and/or tunnel with square or lineal footage;

¹The street cut application is on file in the town recorder's office.

- (c) Purpose;
 - (d) Person, firm, corporation, association and/or others doing the actual specified work;
 - (e) Name of the person, firm, corporation, association or others for whom the work is being done;
 - (f) Plans and details to show all excavation, cut, tunnel, etc. by size, location and elevation;
 - (g) Description of activities, facilities and processes on the premises including all materials, processes and types of materials which are to be used;
 - (h) Hours of work;
 - (i) All Tennessee Department of Environment and Conservation and Environmental Protection Agency permits required;
 - (j) Any other information as may be deemed by the director of public works to be necessary to evaluate the permit application; and
 - (k) Signature of applicant on agreement stating the applicant will comply with all ordinances and laws relating to the work to be done.
- (2) The director of public works will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town recorder, or designate, may issue a street use permit subject to terms and conditions provided herein.
- (3) Such application shall be rejected or approved by the director of public works, or designate, within two (2) business days of its filing.
- (4) Use of any remedy herein contained shall not preclude utilization of any other remedy available at law, or in equity, nor shall it preclude revocation of permits as provided. (Ord. #98-05-12, May 1998)

16-203. Fee schedule. The fee for such permits shall be:

- (1) Twenty-five dollars (\$25.00) for excavations and/or cuts which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and
- (2) In excess of the above, twenty-five cents (\$0.25) for each additional square foot in the case of excavations and/or cuts, or per lineal foot in the case of tunnels. (Ord. #98-05-12, May 1998)

16-204. Deposit or bond requirements. (1) No such permit shall be issued unless and until the applicant has deposited with the town recorder:

- (a) A cash deposit in the sum of five hundred dollars (\$500.00) if no pavement and/or sidewalk is involved;
- (b) One thousand dollars (\$1,000.00) if the excavation is in a paved and/or sidewalk area;
- (c) Where the amount of the deposit is clearly inadequate, the town recorder, or designate, may increase the amount of the deposit to an

amount considered by him/her to be adequate to cover the said cost of restoration.

(2) From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground, pavement, sidewalk and of making a refill, if necessary within six (6) months of completion of the project. The balance shall be returned to the applicant, without interest, after the tunnel, excavation, cut, and/or sidewalk is completely refilled and the surface is restored, if applicable.

(3) The applicant shall ensure the proper restoration of the ground and laying of the pavement/sidewalk at the applicant's expense.

(4) In lieu of a deposit, the applicant may deposit with the town recorder a surety bond, not less than twenty thousand dollars (\$20,000.00), in such form and amount as the town recorder and/or director of public works shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. The bond will remain in effect for six (6) months from completion of the project to ensure adequate funds if making a refill is necessary. (Ord. #98-05-12, May 1998)

16-205. Safety restrictions. (1) Any person, firm, corporation, association or others making any excavation, cut and/or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done.

(2) Sufficient and proper barricades and lights shall be maintained, at the expense of the person, firm, corporation, association or others making application, to protect persons and property from injury by, or because of, the excavation being made.

(3) In addition to the requirements in subsection (2) of this section, if any street, or part of a street, is blocked to cause a disruption in the normal flow of traffic or create a hazard, the person, firm, corporation, association or others making application shall provide, at their expense, personnel to ensure the safety of motorists traveling in and/or around the work area.

(4) 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. (Ord. #98-05-12, May 1998)

16-206. Restoration of streets, sidewalks, etc. (1) Any person, firm, corporation, association or others making any excavation, tunnel and/or cut in or under any street, alley, sidewalk or public place in this municipality shall restore said street, alley, sidewalk or public place to its original condition within thirty (30) days of completion of project.

(2) If restoration on street, alley, sidewalk, or public place is not finished within thirty (30) days of completion of project, the town recorder shall give notice to the person, firm, corporation, association or others that the town will contract the work and charge the total expense of doing the same to such person, firm, corporation, association or others as named on the application for

payment within twenty (20) days of receipt of invoice from said contractor. (Ord. #98-05-12, May 1998)

16-207. Insurance. (1) In addition to making the deposit of giving the bond herein before required to ensure that proper restoration is made, each person applying for a permit shall file a certification of insurance with the town recorder, or designate, 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.

(2) Such insurance shall cover collapse, explosive hazards, underground work, equipment on the street, and shall include protection against liability arising from completed operations.

(3) The amount of the insurance shall be prescribed by the town recorder, or designate, in accordance with the nature of the risk involved, provided:

(a) That the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident; and

(b) That the liability insurance for property damages shall not be less than fifty thousand dollars (\$50,000.00) for any one accident and one hundred thousand dollars (\$100,000.00) aggregate. (Ord. #98-05-12, May 1998)

16-208. Time limits. (1) 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, sidewalk and/or pavement.

(2) Restoration will be made within thirty (30) days of completion of project.

(3) It shall be unlawful to fail to comply with this time limitation unless, unforeseen acts of God preclude completion at which time written submission to the town recorder, or designate, stating circumstances occurring preventing completion and/or restoration within the specified time period is submitted, prior to original completion date, requesting a thirty (30) day extension. Only one (1) extension per project will be considered for approval. (Ord. #98-05-12, May 1998)

16-209. Supervision. (1) The director of public works shall periodically inspect all excavations, tunnels and cuts being made in, or under, any public street, alley, sidewalk or public place in the municipality and ensure the enforcement of the provisions of this chapter.

(2) The person, firm, corporation, association or others making application shall give twenty-four (24) hours prior notice before the work of refilling any such excavation, tunnel, cut and/or sidewalk commences.

(3) Failure to give minimum notice will result in violation of permit regulations and will be subject to fines/penalties as outlined in § 16-211(1). (Ord. #98-05-12, May 1998)

16-210. Driveway curb cuts. (1) No person, firm, corporation, association or others shall cut, build or maintain a driveway across a curb or sidewalk without first obtaining a permit from the town recorder.

(2) Such permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic.

(3) No driveway shall exceed thirty-five feet (35') in width at its outer, or street edge.

(4) When two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten feet (10') in width at its outer, or street edge, shall be provided at the owner's expense.

(5) Driveway aprons shall not extend out into the street.

(6) No streets within subdivisions shall be constructed by the Town of Gordonsville.

(7) No drain tile shall be provided to any person, firm, corporation, association or others by the Town of Gordonsville. (Ord. #98-05-12, May 1998)

16-211. Violation and penalty. (1) Any violation of this chapter shall constitute an offense and shall be punishable by a penalty under the general penalty provision of this chapter; by revocation of permit, or by both penalty and revocation.

(2) Any person violating any of the provisions of this chapter shall be liable to the Town of Gordonsville for any expense, loss or damage incurred by the town as a result of such violation.

(3) Violation of any provisions of this chapter is hereby declared to be unlawful and shall be punishable as prescribed in the general penalty clause of the code of ordinances, Town of Gordonsville and/or as noted in this chapter. Each violation and/or each day any violation occurs shall be deemed a separate offense.

(4) In addition to the penalties provided in the foregoing subsections, whenever a person, firm, corporation, association or others violate any provision of this chapter or fail to comply with any requirement of the Town of Gordonsville under authority of this chapter, the town may petition the appropriate court(s) for injunctive relief. (Ord. #98-05-12, May 1998)

CHAPTER 3

UNIFORM PROPERTY NUMBERING SYSTEM

SECTION

16-301. Adopted.

16-302. Assignment of numbers.

16-303. Administration.

16-301. Adopted. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Official Property Numbering Map," which is filed in the office of the town recorder, is hereby adopted for use in the Town of Gordonsville, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this code. (1994 Code, § 16-301)

16-302. Assignment of numbers. All properties or parcels of land within the corporate limits of Gordonsville, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein.

As shown on the "Property Numbering Map," a separate number shall be assigned for each fifty feet (50') of frontage in the section of town bounded on the north by Interstate 40; on the south by a line paralleling Main Street approximately one thousand seven hundred feet (1,700') to the south (said line being the boundary between the 100 and 200 blocks to the south); and on the east and west by the corporate limits. Numbers shall be assigned for each one hundred feet (100') of frontage elsewhere in the community.

Even numbers shall be assigned on the east side of north-south streets and the north side of east-west streets. Odd numbers shall be assigned on the west side of north-south streets and the south side of east-west streets.

A structure on a corner lot shall be assigned a number on the street it is facing. If it has two (2) entrances which appear to both be "front" entrances, the number on the more significant street shall be assigned.

Each individual business fronting on a public street shall be given a separate number. Doorways leading to several businesses or offices via a hallway or stairs shall be given one (1) number and the individual businesses distinguished by alphabetical letters.

Multi-unit residential developments (mobile home parks, apartments, and duplexes unless they front on two (2) different streets) shall be assigned one (1) number. The individual units shall be distinguished by the letters A, B, C, etc.

Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. (1994 Code, § 16-302)

16-303. Administration. The Gordonsville Municipal Planning Commission shall be responsible for maintaining the numbering system. In the performance of this responsibility, these persons shall be guided by the provisions of § 16-302 of this code.

The town recorder shall keep a record of all numbers assigned under this code. (1994 Code, § 16-303)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Premises to be kept clean.
- 17-102. Application for container.
- 17-103. Lost or stolen container.
- 17-104. Maintenance of container.
- 17-105. Capacity.
- 17-106. Collection.
- 17-107. Disability.
- 17-108. Violations.

17-101. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Gordonsville are required to keep their premises in a clean and sanitary condition, free from accumulation of refuse, waste, and trash by storage in sanitary containers provided by the Town of Gordonsville or of similar quality and kind. All sanitary containers shall be stored and maintained in a manner so as not to cause a nuisance or become injurious to the public health and welfare.

17-102. Application for container. Any person that desires a sanitary container provided by the Town of Gordonsville shall make application on a form provided by the Town of Gordonsville. Each application shall be maintained at the town hall. The Town of Gordonsville shall only issue sanitary containers to single residential units or multiple residential units that are readily accessible by the Town of Gordonsville sanitation department trash truck.

All industrial, manufactory, or other property used for a purpose not specified herein these regulations shall be responsible for disposal of their own refuse, waste, and trash.

No person shall be issued more than one (1) sanitary container per residential unit unless person pays a fee for other cart.

¹Municipal code reference

Property maintenance regulations: title 13.

17-103. Lost or stolen container. (1) Any person that meets the criteria set forth herein these regulations shall be provided from the Town of Gordonsville one (1) ninety (90) gallon roll out sanitary container free of charge.

(2) Any sanitary container that is lost or stolen shall be replaced by the Town of Gordonsville one (1) time.

(3) Any further stolen or lost sanitary containers will require replacement only with the payment to be determined by the Town of Gordonsville Town Recorder's office.

(4) Any sanitary container lost, stolen, destroyed, or substantially damaged through misuse or neglect of a person who has a reasonable expectancy of control, access, or authority to the sanitary container shall not be reissued a sanitary container.

(5) Any person found to have damaged the sanitary containers by an intentional act or omission or through gross negligence shall be fined not more than five hundred dollars (\$500.00) as provided by law.

17-104. Maintenance of container. Persons issued a sanitary container are responsible for the maintenance of said sanitary container which includes, but is not limited to, thoroughly cleaning or caring for the sanitary container as often as reasonably necessary to prevent the breeding of flies and occurrences of offensive odors; ensuring the sanitary containers do not store sewage, body wastes, gas, furniture, brush, oil, paint, tires, construction materials, industrial waste, medical by products, carcasses, or infectious hazardous waste; and maintaining any liquid refuse, trash, or waste in plastic or other equivalent material prior to placing into the sanitary container.

17-105. Capacity. Persons who qualify for a sanitary container that have refuse, trash, and waste that exceeds the capacity of the ninety (90) gallon sanitary container or two hundred (200) pounds in a collection period shall make application to the Town of Gordonsville for additional sanitary containers.

17-106. Collection. Every person with a sanitary container or a container of similar quality and kind shall have the responsibility of placing their container at the closet edge of their property line nearest to the curb or street and readily accessible for removal by the Town of Gordonsville's sanitation department. No trash will be picked up if not properly maintained in an appropriate container.

Any sanitary container or a container of similar quality and kind shall be available for pick-up no later than 8:00 A.M. by Monday or Tuesday of each week.

No sanitary container or container of similar quality and kind shall be placed on a public sidewalk, street, ditch, parked car, power line, mail box, or in any manner that would create a public hazard or nuisance.

No employee of the Town of Gordonsville's sanitation department shall enter a residential unit nor accept gifts or money for their services to the residents of the Town of Gordonsville.

17-107. Disability. Any person who is disabled or is not able bodied may be provided collection service (notwithstanding the provisions stated herein these regulations) upon application and qualification by the Town of Gordonsville.

17-108. Violations. Violation of the regulations adopted by the Town of Gordonsville may result in termination of service.

TITLE 18**WATER AND SEWERS**¹**CHAPTER**

1. WATER.
2. SEWAGE.
3. SEWER USE ORDINANCE.

CHAPTER 1**WATER****SECTION**

18-101. To be furnished under franchise.

18-101. To be furnished under franchise. Water service shall be furnished for the municipality and its inhabitants under franchise between the governing body and Smith Utility District.² The rights, powers, duties and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be stated in the written agreement. (1994 Code, § 18-101)

¹Municipal code references

Building, utility, etc. codes: title 12.

Refuse disposal: title 17.

²The agreements are of record in the office of the town recorder.

CHAPTER 2

SEWAGE

SECTION

18-201. When sanitary sewage disposal facilities are required.

18-202. Responsibility for installation and maintenance of facilities.

18-203. Septic tanks.

18-204. Use of other than prescribed facilities.

18-201. When sanitary sewage disposal facilities are required. Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. (1994 Code, § 18-201)

18-202. Responsibility for installation and maintenance of facilities. The owner of any property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility. (1994 Code, § 18-202)

18-203. Septic tanks. All buildings and structures within the town limits must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the health officer unless he expressly authorizes and approves a variance. (1994 Code, § 18-203)

18-204. Use of other than prescribed facilities. Where this chapter requires a particular type of sewage disposal facility the use of any other type, or disposal by any other means, is hereby expressly prohibited unless approved by the health officer. The health officer is authorized to approve exceptions to the provisions of this chapter only when the lot size, soil composition, lay of land, or other unusual circumstances makes the installation and use of the prescribed facilities unfeasible. (1994 Code, § 18-204)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Prohibitions and limitations on wastewater discharge.
- 18-306. Control of prohibited wastes.
- 18-307. Wastewater sampling and analysis.
- 18-308. Industrial self-monitoring requirements.
- 18-309. Enforcement procedures.
- 18-310. Permits.
- 18-311. Provision of service.
- 18-312. User charge.
- 18-313. User charge system.

18-301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approving authority" shall mean the Town of Gordonsville or its authorized representative.

(3) "ASTM" is the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(b) A general partner or proprietor, if the industrial user is a partnership or proprietorship respectively; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "BOD" of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association.

(6) "Building sewer" is a sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards" shall mean the National Pretreatment Standards.

(8) "Cooling water" shall mean the water discharge from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(9) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria; plus any additional pollutant identified in a publicly owned treatment works' NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.

(10) "C" means centigrade degrees.

(11) "Customer" shall mean any individual, firm, company, association, society, group or corporation who are the beneficiaries of the water and sewerage service or who are utilizing the water and/or sewerage system of the Town of Gordonsville.

(12) "Town" shall mean the Town of Gordonsville or the board of mayor and aldermen.

(13) "Public works director, or "director" shall mean the Town of Gordonsville's sewage treatment plant operator, representative and/or superintendent.

(14) "Direct discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(15) "EPA" shall mean the United States Environmental Protection Agency.

(16) "Grab sample" shall mean a sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(18) "Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(19) "Incompatible waste" shall mean all pollutants, other than compatible waste as defined within.

(20) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(21) "Industrial discharger," for the purposes of this ordinance and related documents, shall mean industrial user.

(22) "Industrial user" shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to section 402 of the Act.

(23) "Industrial wastewater" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(24) "Interference" shall mean the inhibition or disruption of sewer treatment system process or operations of which contribute to a violation of any requirement of the town's NPDES permit.

(25) "May" is permissive; "shall" is mandatory.

(26) "Meter measurement" shall mean the act of, or result of, determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the approving authority.

(27) "Mg/l" shall mean milligrams per liter.

(28) "National pretreatment standards" or "pretreatment standards" shall mean any regulation containing pollutant discharge limits, promulgated by the EPA, and in accordance with section 307(b) and (c) of the Act which applies to the industrial users.

(29) "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(30) "NPDES permit" shall mean the National Pollutant Discharge Elimination System as defined in section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(31) "Person" shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity or legal representative, agents or assigns. The masculine gender shall mean to include the feminine; the singular shall include the plural where indicated by the context.

(32) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

(33) "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(34) "Pretreatment" shall mean the treatment of wastewater by the user before introduction into the publicly owned system.

(35) "Pretreatment standards" shall mean all applicable rules and regulations contained in the "Code of Federal Regulations" as published in the Federal Register under section 307 of Public Law 92-500.

(36) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles have a dimension no greater than one-half inch (1/2")

which will be carried freely under the flow conditions normally prevailing in public sewers.

(37) "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works as defined by section 212 of the Act, which is owned in this instance by the Town of Gordonsville. This definition includes any sewer that conveys wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment.

(38) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(39) "Shall" is mandatory; "may" is permissive.

(40) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(41) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the Town of Gordonsville for sewage disposal purposes.

(42) "Significant industrial user" means any industrial user of the town's wastewater disposal system who:

(a) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day;

(b) Has a flow greater than five percent (5%) of the flow in the town's wastewater treatment system; or

(c) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act of (state) statutes and rules; or

(d) Is found by the town, Environmental Protection Agency (EPA) to have significant impact, whether singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(43) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during the normal operation, and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(44) "Standard Industrial Classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(45) "Standard methods" shall mean Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

(46) "Storm water" shall mean any flow occurring during, or immediately following, any form of natural precipitation and resulting therefrom.

(47) "Suspended solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

(48) "Toxic pollutant" shall mean any pollutant, or combination of pollutants, listed as toxic in the regulations promulgated by the administrator, or Environmental Protection Agency, under the provisions of 33 USC 1317.

(49) "Treatment works" shall mean any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances, extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply, such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process, or is used for the ultimate disposal of residues resulting from such treatment, including combined storm water and sanitary sewer systems.

(50) "TKN" of sewage, or industrial waste, shall designate its Total Kjeldahl Nitrogen content. The quantity of TKN shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

(51) "Twenty-four (24) hour flow proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of the sample are proportional to the flow and combine to form a representative sample.

(52) "Unpolluted water" is water not containing any pollutants limited, or prohibited by, the effluent standards in effect; or water whose discharge will not cause any violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(53) "User" shall mean any person discharging wastes to the Town of Gordonsville's sewerage facilities.

(54) "Waste" shall include sewage and any other waste substances, liquids, solids, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(55) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the Town of Gordonsville's sewage facilities together with any groundwater, surface water, and storm water that may be present.

(56) "WPCF" is the Water Pollution Control Federation, 601 Wythe Street, Alexandria, VA 22314-1994. (Ord. #3-14-94-R03-05, June 2002)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Gordonsville, or in any area under the jurisdiction of said town, any human or animal excrement or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the Town of Gordonsville, or any area under the jurisdiction of said town, any sewage or other polluted waters, except where a federal or state discharge permit has been duly issued, is currently valid for such discharge, and copy on file with the Town of Gordonsville.

(3) Except as hereinafter provided, or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended, or used, for the disposal of sewage.

(4) The owner of all houses, buildings, improvements or properties used for residential, commercial, industrial, recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary or combined sewer shall, upon demand by the director, install suitable toilet facilities therein and connect the same directly with the proper sewer in accordance with the provisions of this ordinance and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter.

(5) Upon disagreement by the owner, the owner may submit a written request within thirty (30) days, a waiver from such connection. Request shall outline reasons and/or hardships that would precipitate a request for a waiver. The director may waive, with the prior approval of the board of mayor and aldermen, where it has been determined by the town that public sewer service to any particular individual user(s) would be unduly difficult and that alternative measures of disposal would not be hazardous to public health. Waivers shall be considered by the director for residential or agricultural users only.

(6) Direct service connections made to the town's sewerage system shall be made only by persons who duly adhere to the ordinances, codes and regulations of the town.

(7) The sewers are constructed for the purpose of transporting sewage; not storm water. Any customers of the sewerage system shall be responsible for the integrity of the pipes on the property which connects to the town's sewerage system. If it is determined by the director that the pipes owned by the customer

are faulty, and in need of repair such that extraneous storm water can enter the sewerage system, the director, shall require the customer to repair his pipes. If the pipes are not repaired within thirty (30) days, the town will impose a penalty on the customer equal to the amount it will cost to replace the faulty pipes and any resulting damages to the town's sewer treatment facility.

(8) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have an approved truck discharge operation permit from the director, or his designated representative, for each vehicle. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay an annual fee of five hundred dollars (\$500.00) per truck, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director. The owners of such vehicles shall retain the permit number in each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the director for violation of any provision of this chapter or regulation established by the director. Such permits shall be limited to the discharge of domestic sewage waste from facilities within the corporate limits of the Town of Gordonsville and contain no industrial waste. The director shall designate the location and time such trucks may be discharged; may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works, sewer lines, and/or appurtenance(s) thereto.

(9) The owner of a truck discharge operation permit shall notify the director no later than twenty-four (24) hours in advance of planned discharge, provide a manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(10) Prior issuance of the permit, the owner of the truck shall provide a bond in an amount of fifty thousand dollars (\$50,000.00) to cover his potential liability. Any discharge without first obtaining a permit shall result in a fine, not to exceed five hundred dollars (\$500.00) per occurrence payable to the Town of Gordonsville within ten (10) days of illegal discharge.

(11) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and been issued a permit by the director prior to discharge. A separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is requested to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges and shall comply with the conditions of the permit issued by the director. Any discharge without first obtaining a permit shall result in a fine, not to exceed five hundred dollars (\$500.00) per

occurrence payable to the Town of Gordonsville within ten (10) days of illegal discharge.

(12) A permit will be required to discharge domestic waste from a recreational vehicle holding tank. Such discharge shall be made into an approved facility designed to receive such waste with the director, or his representative, present. Permit fee for recreational vehicle discharge shall be fifty dollars (\$50.00) for each occurrence. (Ord. #3-14-94-R03-05, June 2002)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available; or where such is otherwise permitted by ordinances or regulations. (Ord. #3-14-94-R03-05, June 2002)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the director. The owner, or his agent, shall make application on a special form furnished by the director, or his representative. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(2) All costs and expense incidental to the installation and connection of the building sewer shall be sustained by the owner. The owner shall indemnify the town from any loss and/or damage that may directly, or indirectly, be caused by the installation of the building sewer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(3) Failure to obtain permission before usage shall result in a fine being imposed, not to exceed five hundred dollars (\$500.00) per day.

(4) A separate and independent building sewer maintenance fee shall be obtained for every building and maintenance fee(s) predicated upon number of water taps provided.

(5) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the director, or his representative, to meet all requirements of this ordinance.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, back filling the trench and location of connection shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions, or in amplification thereof, specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof down spouts, exterior foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly, or indirectly, to a public sanitary sewer unless such connection has prior approval in writing by the director for the purpose of disposal of polluted surface drainage. Failure to obtain permission before usage shall result in a fine being imposed, not to exceed five hundred dollars (\$500.00) per day of illegal disposal.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the town, and/or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 under the direction and site inspection of the director prior to connection.

(10) All such connections shall be made gastight and watertight with prescribed procedures and materials.

(11) The applicant for the building sewer permit shall notify the director, or his representative, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director. Under no circumstances is the connection to be made prior to the approval and supervision of the director. If the connection is made prior to the approval and supervision of the director, an inspection by the director shall be performed at the applicant/owner's expense, and a fine may be imposed.

(12) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public property disturbed in the course of the work which shall be restored in a manner consistent prior to excavation.

(13) All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to install a grease trap on the kitchen waste line at the owner's expense. The town shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner and/or operator of the facility to prevent a stoppage of the town's sewer and records of cleanout shall be forwarded to the director on a monthly basis. If the town is required to clean out the town's sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner and/or operator shall be required to pay the costs of the town's expenses for labor and materials required to clean out the sewer lines in addition to penalties

imposed for violation(s). The installation and maintenance of grease traps shall be in accordance with § 18-306(2). (Ord. #3-14-94-R03-05, June 2002)

18-305. Prohibitions and limitations on wastewater discharge.

(1) Prohibitions on wastewater discharge. (a) Any discharge will result in penalties not to exceed five hundred dollars (\$500.00) per occurrence payable to the Town of Gordonsville within ten (10) days of illegal discharge.

(b) No person shall discharge, or cause to allow to be discharged, into the Town of Gordonsville's sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(i) Oils and grease. Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees F (0 - 56 degrees C) at the point of discharge into the system.

(ii) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall town successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials included, but not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(iii) Noxious materials. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are, or may be, sufficient to prevent entry into a sewer for its maintenance and repair.

(iv) Improperly shredded garbage. Garbage that has not been ground to such a degree that all particles are one-half inch (1/2") or less and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(v) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will, or may cause, damage or hazards to the sewerage facilities or personnel operating the system.

(vi) Solid or viscous wastes. Solid or viscous wastes which will, or may cause, obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(vii) Excessive discharge rate. Wastewater at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewater containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(viii) Toxic substances. Any toxic substances, chemical elements or compounds, phenols or other waste, or odor producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works in concentrations which would cause the POTW to exceed in NPDES permit limits.

(ix) Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems or storm water origin, which will increase the hydraulic load on the sewerage facilities.

(x) Discolored materials. Wastes with objectionable color, not removable by the treatment process.

(xi) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of six to nine (6 – 9). Prohibited materials include, but are not limited to: acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(xii) Thermal discharge. Heat in amounts which will inhibit biological activity in the POTW or cause damage to the sewerage resulting in interference, but in no case heat in such quantities that the temperature at the point of discharge exceeds forty (40) degrees centigrade (104 degrees F).

(xiii) Human hazard. Any wastewater which causes hazard to human life or creates a public nuisance.

(2) Limitation on wastewater discharges. (a) No person shall discharge, convey, or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

(i) Not be amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(ii) Constitute a hazard to human and/or animal life or to the stream or water course receiving the treatment plant effluent;

(iii) Violate the federal pretreatment standards;

(iv) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Environment and Conservation permit, and/or other applicable receiving water standards; and

(v) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the director.

(b) If the wastewater influent to the treatment plant creates adverse effects, or interferes with any wastewater treatment or collection processes, creates any hazard in receiving waters, or results in the town being in violation of applicable effluent standards, the director shall establish industrial wastewater effluent limits as deemed necessary up to the maximum concentrations. Furthermore, the director shall have the authority to add to the list. Presently, limits for certain parameters have been set as protection criteria for the POTW. These limits are influent concentrations to the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in § 18-310 of this ordinance. (Ord. #3-14-94-R03-05, June 2002)

18-306. Control of prohibited wastes. (1) Regulatory actions. If wastewater containing any substance in excess concentrations as described in § 18-305 of this ordinance are discharged, or proposed to be discharged, into the sewer system of the Town of Gordonsville, or to any sewer system tributary thereto, the town shall take any action necessary, but not limited to:

(a) Prohibit the discharge of such wastewater;

(b) Require a discharger to demonstrate that modifications will eliminate the discharge of such substances to a degree as to be acceptable to the director;

(c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these

rules and regulations, federal pretreatment standards and/or any other applicable requirements promulgated by the EPA in accordance with section 307 of the Clean Water Act of 1977;

(d) Require the person or discharger making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the sewerage facilities in addition to penalties of five hundred dollars (\$500.00) per occurrence payable to the Town of Gordonsville within ten (10) days of illegal discharge. Nothing herein authorizes discharges, otherwise prohibited, upon payment of cost thereof.

(e) Take such other remedial action provided by law as may be deemed to be desirable and/or necessary to achieve the requirements of this ordinance.

(2) Submission of plans. (a) Prior to discharge into any part of its sewerage facilities where pretreatment or equalization of wastewater flow(s) is required by the Town of Gordonsville, plans, specifications and other pertinent data or information relating to such pretreatment or flow control facilities shall be submitted to the director for review and approval.

(b) Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the town. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without prior written notice to, and approval from, the director before implementation.

(3) Pretreatment facilities operations. For commercial and industrial users, if pretreatment and/or control of waste flows is required, such facilities shall be effectively installed, operated and maintained by the discharger at his expense, subject to the requirements of these rules, regulations and all other applicable codes, ordinances and laws. Failure to have a current permit will result in a penalty of five hundred dollars (\$500.00) per day of delinquency.

(4) Reporting of accidental discharges. (a) If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the discharging facility response for such discharge shall be to immediately notify the director so that corrective action may be taken to protect the sewerage facilities.

(b) In addition, a written report addressed to the director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible facility no later than ten (10) days from the date of the occurrence of the accidental discharge. All costs associated with any necessary cleanup, as determined by the director shall be the responsibility of the discharging

facility. Failure to report any such discharge shall result in a fine, not to exceed five hundred dollars (\$500.00) per day.

(5) Right of entry. Representatives of the Town of Gordonsville, the Tennessee Department of Environment and Conservation (TDEC), and/or Environmental Protection Agency (EPA), upon presentation of credentials and without prior notice, shall be permitted to enter all properties of the contributing industrial/commercial facility for the purpose of inspection, observation, measurement, sampling and testing. (Ord. #3-14-94-R03-05, June 2002)

18-307. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the parameters listed in the user discharge permit, as authorized under § 18-310, are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or public sanitary sewerage system and any chemical or mechanical corrective treatment required, must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, Methods for Chemical Analysis of Water and Waste, published by the U.S. Environmental Protection Agency or the Annual Book of Standards, part 23, "Water, Atmosphere Analysis" published by the American Society for Testing and Materials. However, alternate methods for the analysis of industrial wastes may be used subject to prior written mutual agreement between the director and the producer of such wastes; agreement to be renewed annually. The frequency and duration of the sampling of any industrial/commercial waste shall be determined by the director.

(2) Control manhole. The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the discharger and/or owner at their expense, and shall be maintained by them to be safe and accessible at all times. The director shall have access and use of the control manhole as required for the monitoring of the industrial discharge. (Ord. #3-14-94-R03-05, June 2002)

18-308. Industrial self-monitoring requirements. In order to effectively administer and enforce the provisions of these regulations, the director shall require any discharger to comply with any and/or all of the following requirements.

(1) Discharge reports. The director shall require discharge reports, including but not limited to, questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge.

(2) Monitoring programs. The director may require of users such technical or monitoring programs, including the submission of periodic reports, as he deems necessary. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the Town of Gordonsville.

The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the director to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the director that he has the necessary qualifications and facilitates to perform the work; or

(b) Engage a private laboratory, approved by the director, in advance. (Ord. #3-14-94-R03-05, June 2002)

18-309. Enforcement procedures. (1) Penalties. Violation of any provisions of this ordinance is hereby declared to be unlawful and shall be punishable as prescribed in the general penalty clause of this code, and/or as noted in this ordinance. Each violation and/or each day any such violation occurs shall be deemed a separate offense.

(2) Liability. Any person violating any of the provisions of this ordinance shall be liable to the Town of Gordonsville for any expense, loss or damage incurred by the town as a result of such violation.

(3) Injunctive relief. In addition to the penalties provided in the foregoing subsections, whenever a discharger violates any provision of this ordinance or fails to comply with any requirement of the Town of Gordonsville under authority of this ordinance, the town may petition the appropriate court(s) for injunctive relief.

(4) Remedies nonexclusive. Use of any remedy herein contained shall not preclude utilization of any other remedy available at law or in equity; nor shall it preclude revocation of permits as provided for herein. (Ord. #3-14-94-R03-05, June 2002)

18-310. Permits. (1) All industrial users proposing to connect to, or discharge, into the sanitary sewer system must obtain a wastewater discharge user permit from the director before connecting to, or discharging into, the sanitary sewer. All existing industrial users connected to, or discharging into, the town's sanitary sewer must obtain a wastewater discharge user permit within thirty (30) days after notice from the Town of Gordonsville.

(2) All persons within the town's corporate limits, who intend to provide septic tanks for sewage disposal, shall make written request to the

director for a septic tank permit. Upon receipt of the written request, the director shall determine whether the applicant is unable to connect to the town's system, or whether other conditions exist as provided herein which would allow the use of a septic tank. If so, the permit may be granted, conditioned upon proper installation in accordance with applicable standards and such other requirements as necessary, to protect the public health and safety. The septic tank regulations in this ordinance shall not supersede any federal, state or county regulations.

(3) Permit application. Industrial users seeking a wastewater discharge user permit shall complete and file with the director an application in the form prescribed by the director and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and number of applicant and Standard Industrial Classification Manual, 1972 (SIC) number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in § 18-305 as determined by a laboratory approved by the director;
- (d) Time of duration of discharge;
- (e) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials, processes and types of materials which are, or could be, discharged;
- (h) Each product produced by type, amount and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Environment and Conservation and Environmental Protection Agency permits required; and
- (k) Any other information as may be deemed by the director to be necessary to evaluate the permit application.

The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.

(4) Permit conditions. Wastewater discharge user permits shall be expressly subject to all provisions of this ordinance and all other regulations, user charges and fees established by the Town of Gordonsville. The conditions

of wastewater discharge permits shall be uniformly enforced by the town in accordance with this ordinance and applicable state and federal regulations.

Permits may include, but not necessarily be limited to, the following:

- (a) The unit charge or schedule or user charges and fees for the wastewater to be discharged to the public sewer;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Thirty (30) days after notice from the town;
- (f) Specifications for monitoring programs which shall include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the director and affording the director access thereto; and
- (i) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance.

(5) Duration of permits. Permits shall be issued for a period of two (2) years, renewable on December 31 and issued no later than January 31. It shall be the responsibility of each user to obtain the necessary forms, with submission of applicable fee, prior to expiration.

The terms and conditions of the permit may be subject to modification and change by the director during the life of the permit as limitations or requirements are identified, modified and/or changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes, or new conditions, in the permit shall include a thirty (30) day time schedule for compliance.

If compliance by the user cannot be established within the thirty (30) day period, written application to the director stating conditions incurred and reason for delay, with completion date stated, must be submitted to the director for approval prior to expiration of the original thirty (30) day time period.

Failure shall result in revocation of permit and/or fine, not to exceed five hundred dollars (\$500.00) per day.

(6) Transfer of a permit. Wastewater discharge user permits are issued to a specific user for a specific operation. Wastewater discharge permits shall not be reassigned, transferred, modified or sold to a new owner, new user, change in premises or name, or a new or modified operation.

(7) Revocation of permit. Any user who violates the conditions of the permit or the revisions of this ordinance, or applicable state and federal

regulations, or any of the following conditions shall be subject to having their permit revoked and penalties assessed until compliant:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (c) Refusal of access to the user's premises for the purpose of inspection or monitoring; or
- (d) Violation of any conditions of the permit or sewer use ordinance.

Upon revocation of any permit issued under this ordinance, the user shall be notified that they shall be entitled to a hearing upon such revocation. Written request for such hearing must be made to the town attorney within seven (7) days of notification of revocation of the permit. The hearing will be held before a hearing examiner and shall be heard within seven (7) days upon receipt of the request for the hearing. At the hearing, the town and the user shall be entitled to present evidence relevant and material to the revocation, to examine and cross examine witnesses, and may be represented by an attorney. The hearing examiner shall render a decision within seven (7) days upholding or overturning the revocation. (Ord. #3-14-94-R03-05, June 2002)

18-311. Provision of service. (1) Application for service. Prior to use of the POTW, prospective users shall be required to sign an application for service and/or the Town of Gordonsville's standard form of contract before service is supplied. Users requiring the installation of special equipment, if deemed by the director, may be required to sign a form of contract guaranteeing a minimum charge for such period of time as may be required by the Town of Gordonsville; but in the absence of a completed application or contract, the usage by the user shall bind the user to the terms of the Town of Gordonsville's standard form of application. If for any reason the user, after signing the application or contract for services, does not use the service, he shall reimburse the Town of Gordonsville for all expenses incurred by reason of its endeavor to furnish such service.

(2) Temporary service. Any user requiring temporary service may be required to pay all costs as determined by the director for connection and disconnection incidental to the supplying and removal of service in addition to the regular sewer rate charges.

(3) Billing. All bills for sewer service will be rendered monthly, predicated on the regular monthly water billing, and shall be computed using the applicable rates or charges in effect at the billing date. Such billings shall be payable in the net amount only if paid prior to the 15th of the following month; after this date, a charge of ten percent (10%) of the total balance owed will be imposed. Should the final date for payment of the bill at the net rate fall on a Saturday, Sunday or town observed holiday, the next business day

following the final date will be held as the last day to obtain the net rate. Remittance of payment received by mail will be accepted by the Town of Gordonsville if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior.

Failure to receive the bill shall not release users from their obligation to make payment nor extend the net date. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the Town of Gordonsville by such user.

(4) Point of delivery--water service. The sewer service rates are based upon the supplying of water service to the entire premises through a single delivery and metering point. If water service is rendered to any user or premise through more than one delivery point, the Town of Gordonsville will bill each such delivery point as a separate service, combined into one billing, to the owner of the property. Trailer parks and multifamily dwellings will be billed to the owner of the property.

(5) Multiple service through a single meter--water service. Where the approving authority, as distributor of water, allows more than one dwelling or premise to be served through a single service line and meter, the monthly water billing for each such dwelling or premise will be computed in accordance with the rules and regulations for the distribution of water. The sewer service charge for each such dwelling or premise thus served shall then be computed at the Town of Gordonsville's applicable sewer service charge rates.

(6) Discontinuance of service. The distributor of water, may disconnect its water service and may refuse to reconnect water service for a violation, for failure to comply with any of its rules and regulations, for violation of any provision of the user's application. Discontinuance of water service by the approving water authority for any cause shall not release the sewer user from liability of sewer service already received or from liability for payments that thereafter become due under the provisions of this ordinance.

(7) Termination of service. Notice to discontinue water and/or sewer service will not relieve owner/user from minimum monthly charges, penalties or guaranteed payment of applicable rate schedule.

(8) Notice of trouble. User shall notify the director immediately of any known defects, trouble or accident affecting the sewerage system. It is the responsibility of each owner/user to keep their lines/connections in good working condition at their expense. If necessary for the health and/or safety of the general public, the director may initiate repairs at the owner's expense after five (5) days' written notice to the owner/user.

(9) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange at their expense for whatever extension of the sewer main that may be necessary to reach a point in front of, or adjacent to, his property where all his sewer service line may be connected at a single point. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree.

Such mains must be constructed in accordance with the Town of Gordonsville's guidelines and, upon acceptance by the director and the Town of Gordonsville, will become part of the community system without cost to the Town of Gordonsville. Connections with existing mains shall be made at the user's expense only after prior approval by the director, and only after inspection of service lines to ensure conformance with requirements of the sewer use ordinance, building permit and the avoidance of any health hazard or interference with the existing system.

(10) Scope. The rules, regulations and rate schedules are a part of all applications and/or contracts for receiving sewerage service from the Town of Gordonsville and apply to all service received from the town whether the service is based upon contract, signed application or otherwise. (Ord. #3-14-94-R03-05, June 2002)

18-312. User charge. (1) Definitions. For the purpose of this section only, which deals with sewer connection fees, the following terms shall have the following meanings:

(a) "Commercial user" means the owner or occupant of a premise other than a single family dwelling used for any commercial purpose, and other than a manufacturing plant employing more than three (3) people. Commercial users include, but are not limited to: hotels, motels, apartment buildings, bed and breakfast establishments, retail stores, restaurants, nursing homes, service stations, beauty/barber shops, government buildings, banks, churches, doctor offices, and other similar businesses or enterprises.

(b) "Dwelling" means any single structure, with auxiliary buildings, occupied by no more than one (1) household for residential purposes only.

(c) "Industrial user" means the owner or occupant of a premise used for a manufacturing plant employing more than three (3) persons.

(d) "Low income" means the total annual household income is less than:

- (i) \$16,850.00 for a one person household;
- (ii) \$19,250.00 for a two person household;
- (iii) \$21,650.00 for a three person household;
- (iv) \$24,100.00 for a four person household;
- (v) \$26,000.00 for a five person household;
- (vi) \$27,950.00 for a six person household;
- (vii) \$29,850.00 for a seven person household; and
- (viii) \$31,800.00 for an eight person household.

(e) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" does not include more than one (1) dwelling.

(f) "Residential user" means the owner or occupant of a single family dwelling.

(g) "User" means any premise or dwelling receiving sewer service from the Town of Gordonsville.

(2) Amount of fees. No permit to connect to any public sewer or appurtenance thereof shall be granted by the director unless the applicant first pays to the Town of Gordonsville a sewer connection maintenance fee, based upon the number of water taps to the property, as follows:

	<u>Inside</u> <u>Corporate limits</u>	<u>Outside</u> <u>Corporate limits</u>
(a) Residential-1 Users	\$1,000.00 per tap	\$ 2,000.00 per tap
(b) Residential-2 Users	\$1,500.00 per tap	\$ 3,000.00 per tap
(c) Commercial-1 Users	\$ 3,000.00 per tap	\$ 6,000.00 per tap
(d) Commercial-2 Users	\$ 3,500.00 per tap	\$ 7,000.00 per tap
(e) Industrial-1 Users	\$ 5,000.00 per tap	\$10,000.00 per tap
(f) Industrial-2 Users	\$10,000.00 per tap	\$20,000.00 per tap

(3) Installment payments. A low-income Residential-1 user shall have the option to pay the sewer maintenance connection fee, in not less than ten (10) equal monthly installments of one hundred dollars (\$100.00) each to be included with monthly billing statement, by submitting a written request with sufficient information (annual income statements, income tax report, W-2s, etc.) to determine if the applicant qualifies as a low-income user. If the applicant does qualify, an installment contract agreeing to make all monthly payments in order to pay the sewer maintenance connection fee in full shall be signed. Installment payments will be due and included on the monthly sewer billing. Late charges will apply, if applicable. (Ord. #3-14-94-R03-05, June 2002)

18-313. User charge system. (1) General provisions. (a) Actual use. The UCS shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge. In the absence of flow meter indicators, usage shall be based upon water meter readings.

(b) Notification. When service rates change, each user shall be notified annually in conjunction with their regular bill of the rate being charged for wastewater treatment services.

(c) Financial management system. The UCS must establish a financial management system that will accurately account for generated

revenues and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expense, interest expense, depreciation, and any reserve account requirements.

(d) Charges of inflow and/or infiltration. The UCS shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.

(e) Use of revenue. Revenue derived from the wastewater system, including but not limited to, sale of treatment related byproducts; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increase(s).

(f) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations requiring this ordinance.

(g) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts or agreements between the town and users which are inconsistent with the requirements of this ordinance.

(2) Charge structure. (a) Classification of users:

(i) Class 1 (R-1). Those residential users whose discharge is considered to be treatable with normal practices.

(ii) Class 2 (R-2 and C-1). Those commercial users whose discharge is considered to be treatable with normal practices.

(iii) Class 3 (C-2). Those industrial or other users whose average biochemical oxygen demand (BOD) is three hundred (300) milligrams per liter by weight or less, and whose suspended solids (SS) discharge is three hundred (300) per liter by weight or less.

(iv) Class 4 (I-1). Those industrial users whose average BOD exceeds three hundred (300) milligrams per liter concentration by weight and/or whose SS exceeds three hundred (300) milligrams per liter concentration.

(v) Class 5 (I-2). Those industrial users whose average BOD exceeds three hundred (300) milligrams per liter concentration by weight and/or whose SS exceeds three hundred (300) milligrams per liter concentration.

(vi) Class 6. A discharge received from a truck which requests discharge privileges in accordance with the policy of the Town of Gordonsville.

(vii) Class 7. A discharge received from a recreational vehicle in accordance with the policy of the Town of Gordonsville.

(b) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the services supplied by the wastewater system. These charges shall be

based upon the cost categories described as operation, maintenance, and replacement (OMR); interest (I); and principal repayments or depreciation, whichever is greater (P).

(i) Each user who falls under Class 1 shall pay a minimum charge for usage less than two thousand (2,000) gallons. For usage over two thousand (2,000) gallons, there shall be a surcharge for each one thousand (1,000) gallons over the two thousand (2,000) gallon minimum.

(ii) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined by the following formula:

$$C2 = OMR + I + P / \text{total gallons treated}$$

(iii) All users who fall within the Class 2 classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class 1 users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

$C3 = C2$ plus the following formula for excessive strength:

$$\{A(D-300) + B(E-300) + C(F)\} \times .00834 \times G = \text{Surcharge Payment (\$/mo.)}$$

The components of the formula are as follows:

- A = Surcharge rate for BOD in \$/pound
- B = Surcharge rate of SS in \$/pound
- C = Surcharge rate for other pollutant(s) in \$/pound
- D = User's average BOD concentration in mg/l
- E = User's average SS concentration in mg/l
- F = User's average other pollutants concentration in mg/l
- G = User's monthly flow to sewage works in 1,000 gallons

No reduction in sewage service charges, fees or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than three hundred (300) mg/l or BOD and/or three hundred (300) mg/l SS.

(iv) All users who fall under Class 6 shall pay a single charge for each separate discharge accepted from a truck.

(v) All users who fall under Class 7 shall pay a single charge for each separate discharge accepted from a recreational vehicle.

(c) Adjustments for wastewater use charges will be considered only if notice is received by the town that the volume of water purchased has been adjusted by the water supplier. Outside leaks, if verified by the water supplier, may be adjusted based upon the average of the prior six (6) months actual usage.

(d) Current minimum rate schedules are of record in the office of the town recorder. (Ord. #3-14-94-R03-05, June 2002, as amended by Ord. #3-14-94-R05-09, June 2010)

TITLE 19**ELECTRICITY AND GAS****CHAPTER**

1. ELECTRICITY.
2. GAS.

CHAPTER 1**ELECTRICITY****SECTION**

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1994 Code, § 19-101)

¹The agreements are of record in the office of the town recorder.

CHAPTER 2

GAS¹

SECTION

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.² (1994 Code, § 19-201)

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the town recorder.

TITLE 20**MISCELLANEOUS****CHAPTER**

1. TELEPHONE.
2. UTILITY COMPANIES.

CHAPTER 1**TELEPHONE****SECTION**

- 20-101. To be furnished under franchise.
20-102. Supervised work.
20-103. Company duties.
20-104. Indemnity.
20-105. Use of streets.

20-101. To be furnished under franchise. Telephone service shall be furnished under franchise issued to DeKalb Telephone Cooperative, its successors and assigns, with authority to construct, maintain and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets and highways of the Town of Gordonsville, Tennessee as its business may from time to time require, provided that all poles shall be neat and symmetrical. (1994 Code, § 20-101)

20-102. Supervised work. The work of erecting poles and constructing underground conduits under this chapter shall be done subject to the supervision of the town, and the company shall replace or properly relay and repair any sidewalk or street that may be displaced by reason of such work, and upon failure of the company so to do, after twenty (20) days' notice in writing shall have been given by the mayor of the town to the company, the town may repair such portion of the sidewalk or street that may have been disturbed by the company, and collect the cost so incurred from the company. (1994 Code, § 20-102)

20-103. Company duties. In consideration of the rights and privileges herein granted, the company, when requested by the town, will designate and provide without cost to the town:

- (1) On each pole owned and used by the company hereunder and during its ownership and use thereof, either:
 - (a) Space for a fixture for; or

(b) Space for a crossarm for, wires of the police and fire alarm signalling system of the town.

(2) In each underground conduit owned and used by the company hereunder and during its ownership and use thereof, one (1) duct for the cables of the police and fire alarm signalling system of the town; provided, however, that no use shall be made by the town of said space on such poles or of said duct which will result in interfering with or impairing the operation or use of the company's property or service, or which will endanger, damage or injure the person or property of the public or employees of the company or town. (1994 Code, § 20-103)

20-104. Indemnity. The company shall indemnify the town against, and assume all liabilities for, damages which may arise or accrue to the town for any injury to persons or property from the doing of any work herein authorized, or the neglect of the company or any of its employees to comply with any ordinance regulating the use of the streets of the town, and the acceptance by the company of this chapter shall be an agreement by it to pay to the town any sum of money for which the town may become liable from or by reason of such injury. (1994 Code, § 20-104)

20-105. Use of streets. Nothing in this chapter shall be construed as a surrender by the town of its right or power to pass ordinances regulating the use of its streets. (1994 Code, § 20-105)

CHAPTER 2

UTILITY COMPANIES

SECTION

20-201. Limited use.

20-202. Permits.

20-203. Responsibility.

20-204. Penalties.

20-201. Limited use. The town be, and the same is hereby authorized and empowered to limit or further restrict the further use of its highways, streets, avenues, roads and alleys by public utilities companies, individuals or corporations, particularly water companies, telephone, electric membership companies or corporations, dealers in services, utilities, requiring the erection of poles or other structures, or underground pipe lines and/or conduits, to their present situations and legal status, and hereby forbids the extension of any franchises, right or rights, use or uses, except as hereinafter provided. (1994 Code, § 20-201)

20-202. Permits. Any such utility, person, real or corporate, seeking to extend, or obtain the right to extend or further use of said streets, highways, roads or alleys in said town, for said utility purposes, shall hereafter apply to said mayor and board of aldermen and mayor for the privilege or right so to do, in specific terms, and shall obtain authority in writing so to do before acting thereon; the town may or may not grant said application in its discretion; and said application shall be accompanied by a fee of five dollars (\$5.00) which will be kept or returned to applicant according to the action taken. (1994 Code, § 20-202)

20-203. Responsibility. The applicant receiving said privilege shall be required to assume responsibility to the Town of Gordonsville, Tennessee, for the use of said town and/or for any person whose property rights have been injured or damaged by the negligent, careless and/or unauthorized use of the said privilege in failure to obtain written consent of the town and owner of property to st poles, erect structures of any sort or kind, place and/or maintain lines or cables, conduits, or for injuring or damaging the surface of any highway, road, street, avenue or alley in said town and may be required to face misdemeanor charges as hereinafter provided for violation hereof as hereinafter provided, and shall wholly repair at the applicant's cost, any damage or injury to said highways, roads, streets, avenues and/or alleys of the town on the same day done.

Failure to repair same at once, and for each succeeding day thereafter remaining unrepaired, shall be a misdemeanor chargeable to, and answerable

by the acting, directing individual managing head of the applicant, and the head man of the working crew responsible to answer therefor; likewise the erection and/or placement of any pole, structure, conduit, line, cable, or gadget, or pipe, alongside, upon or in front of or over property of any town person, real or corporate, without locating same according to the written wish of the Town of Gordonsville and the owner of the property affected, shall likewise constitute a misdemeanor for the managing heads aforesaid for each day violated, with the penalty for violations of each misdemeanor as hereinafter fixed for misdemeanors.

To evade the misdemeanor penalties it shall also be necessary to obtain the privilege therefor in the manner and form hereinbefore provided for, and act in strict conformity herewith. (1994 Code, § 20-203)

20-204. Penalties. For the first violation of any valid part thereof the fine shall carry a penalty of two dollars and fifty cents (\$2.50) and costs. The second violation shall carry a fine of five dollars (\$5.00) to fifty dollars (\$50.00) and also a thirty (30) day jail sentence in the discretion of the trial body. (1994 Code, § 20-204)

APPENDIX A**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND
HEALTH PROGRAM FOR THE EMPLOYEES OF THE TOWN
OF GORDONSVILLE**

(Ord. #11-08-24, Sept. 2011)

<u>SECTION</u>	<u>PAGE</u>
I. PURPOSE AND COVERAGE	APP-A-3
II. DEFINITIONS	APP-A-4
III. EMPLOYER'S RIGHTS AND DUTIES	APP-A-6
IV. EMPLOYEE'S RIGHTS AND DUTIES	APP-A-7
V. ADMINISTRATION	APP-A-8
VI. STANDARDS AUTHORIZED	APP-A-10
VII. VARIANCE PROCEDURE	APP-A-10
VIII. RECORDKEEPING AND REPORTING	APP-A-12
IX. EMPLOYEE COMPLAINT PROCEDURE	APP-A-12
X. EDUCATION AND TRAINING	APP-A-14
XI. GENERAL INSPECTION PROCEDURES	APP-A-15
XII. IMMINENT DANGER PROCEDURES	APP-A-17
XIII. ABATEMENT ORDERS AND HEARINGS	APP-A-18
XIV. PENALTIES	APP-A-19
XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION	APP-A-19
XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED	APP-A-20

APPENDICES

<u>SECTION</u>	<u>PAGE</u>
I. ORGANIZATIONAL CHART	APP-A-21
II. [RESERVED]	APP-A-22
III. EMPLOYEE NOTIFICATION	APP-A-23
IV. PROGRAM BUDGET	APP-A-25
V. ACCIDENT REPORTING PROCEDURES	APP-A-27

I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the Town of Gordonsville.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Mayor and Board of Aldermen in electing to update and maintain an effective occupational safety and health program for its employees, will:

- a. Provide a safe and healthful place and condition of employment;
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees;
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required;
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records;
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State;
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards;
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program; and

- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. "COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. "EMPLOYER" means the Mayor and Board of Aldermen and includes each administrative department, board, commission, division, or other agency of the Town of Gordonsville.
- c. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by passing the resolution, to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of Town of Gordonsville.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official, or group of officials, of the employer having legally designated powers of appointment, employment, or removal thereof for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

- g. "PERSON" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY or HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced); or
 - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "ACT" or TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations, or at levels in excess of that provided for by any applicable standard, shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees, shall be given the right to

request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.

- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties, or to exercise powers assigned, so as to administer this Occupational Safety and Health Program.
 - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties and responsibilities under this program.
 - 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.

3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Director shall make, or cause to be made, periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make, or cause to be made, any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain, or cause to be maintained, records required under Section VIII of this plan.
 9. **The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard, or portion thereof, from which the variance is sought;

2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented;
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard;
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard; and
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective program for coming into compliance with the standard as quickly as possible.

2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter

but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).

- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been, or will be taken, to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer, or a representative of the governing body, will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development, or his designated representative, upon request.

X. EDUCATION AND TRAINING**a. Director and/or Compliance Inspector(s):**

1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury;
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required;
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.

- i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
- ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will ensure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;

2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
 - c. An administrative representative of the employer and, a representative authorized by the employees, shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
 - d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
 - e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
 - f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
 - g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he/she shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Director, he/she shall make, or cause to be made, an immediate inspection of the alleged imminent danger location.
 - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by, or to, the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
 1. Issue an abatement order to the head of the worksite; and
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated;
 2. A description of the nature and location of the violation;
 3. A description of what is required to abate or correct the violation;

4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand;
 2. Written reprimand;
 3. Suspension for three (3) or more working days; or
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (resolution, ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.

Signature: Director, Occupational Safety and Health Date

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM
PLAN - APPENDIX I**

ORGANIZATIONAL CHART

{For this section make a list of each work location wherein county employees work, such as Street Department, Fire Department, Courthouse, Jail, Sheriff Department, Schools, etc., the address for the workplace, phone number at that workplace, and number of employees who work there.}

Administrative Department - 3 employees
63 East Main Street
Gordonsville, TN 38563-0357
615-683-8282

Police Department - 5 employees
63 East Main Street
Gordonsville, TN 38563-0357
615-683-6088

Sewer Department - 2 employees
103 Blair Road
Carthage, TN 37030
615-735-0109

Sanitation Department - 2 employees
105 Fairview Avenue
Gordonsville, TN 38563-0357

Volunteer Fire Department - 16 volunteers
103 Fairview Avenue
Gordonsville, TN 37563-0357

TOTAL NUMBER OF EMPLOYEES: 28

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM
PLAN - APPENDIX II**

[RESERVED]

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM
PLAN - APPENDIX III**

NOTICE TO ALL EMPLOYEES OF THE TOWN OF GORDONSVILLE

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee's workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to ensure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing, or are likely to cause, death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director.

Any employee who has been exposed, or is being exposed, to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted, or caused to be instituted, any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Mayor and Board of Aldermen for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the Town of Gordonsville will be made available for inspection by any employee at 63 East Main Street, Gordonsville, TN during regular office hours.

Signature: Mayor

Date

OCCUPATIONAL SAFETY AND HEALTH PLAN - APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program.
11. Contingencies and miscellaneous,

TOTAL ESTIMATED PROGRAM FUNDING,

ESTIMATE OF TOTAL BUDGET FOR:

First Year

Second Year

Third Year

OR

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the Town of Gordonsville has sufficient financial resources available, or will make sufficient financial resources available, as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM
PLAN - APPENDIX V**

ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six (6) important steps required by the OSHA recordkeeping system:

Obtain a report on every injury/illness requiring medical treatment (other than first aid).

Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.

Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.

Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.

Retain these records for at least 5 years.

1. Fill out the Occupational Injury/Illness Survey and mail it to Labor Research and Statistics when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

- | | |
|--------|---|
| (1-15) | Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, |
|--------|---|

and will be followed by a written report within four (4) hours after their occurrence. The Director will ensure completion of required reports and records in accordance with Section VIII of the basic plan.

- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours after the accident or injury occurred, or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not

later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers Compensation Form C20 or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.

Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.

Title of the department or division in which the injured or ill employee is normally employed.

Specific description of what the employee was doing when injured.

Specific description of how the accident occurred.

A description of the injury or illness in detail and the part of the body affected.

Name of the object or substance which directly injured the employee.

Date and time of injury or diagnosis of illness.

Name and address of physician, if applicable.

If employee was hospitalized, name and address of hospital.

1. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of narrative form

if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.

ORDINANCE NO. 11-12-12

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF GORDONSVILLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Gordonsville are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Gordonsville, 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 "Gordonsville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF GORDONSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Gordonsville Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

Each day any violation of the municipal code continues shall constitute a separate civil offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

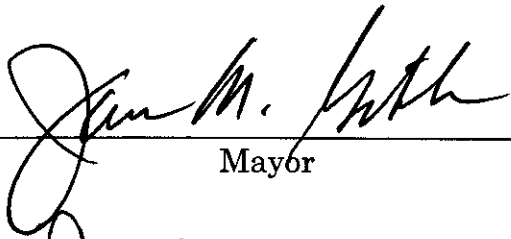
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

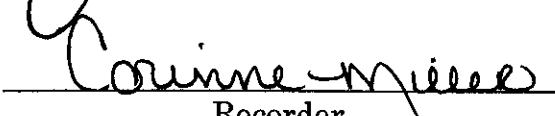
Passed 1st reading, 12-12, 2011.

Passed 2nd reading, 1-09, 2012.

Passed 3rd reading, 2-13, 2012.



Mayor



Recorder