

**THE  
LAWRENCEBURG  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

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*Change 5*  
*April 27, 2023*

**CITY OF LAWRENCEBURG, TENNESSEE**

**MAYOR**

Blake Lay

**VICE MAYOR**

Robin Williams

**COUNCILMEMBERS**

Ronald Fox  
Chad Moore  
Jaime Sevier

**CITY ADMINISTRATOR**

Richard "Dick" McKinley



## PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

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

The able assistance of the codes team: Hannah Kraemer, Program Resource Specialist; and Linda Winstead, Nancy Gibson, and Doug Brown, Administrative Specialists, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

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

Section N. Ordinance procedure. Every ordinance shall be considered and passed on two (2) different days, at regular, special or recessed meetings of the Board of Mayor and Commissioners. Passage shall require the affirmative vote of a majority of the entire membership to which the Board is entitled, excluding vacancies. Each ordinance shall relate to a subject which shall be generally expressed in a caption and material or substantial amendments may be made on final passage. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred.

Every ordinance upon final passage shall be signed by the presiding officer of the Board of Mayor and Commissioners, and shall be numbered, copied in an ordinance book, and authenticated by the signature of the Recorder, and filed and preserved in the City's records.

An emergency ordinance may be passed after being considered at one (1) meeting. The ordinance shall contain the statement that an emergency exists and shall specify the facts and reasons constituting such an emergency. The unanimous vote of those present shall be required to pass an emergency ordinance. No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. (Article IV, Section N)

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## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

#### 1. BOARD OF MAYOR AND COUNCIL.

#### CHAPTER 1

### BOARD OF MAYOR AND COUNCIL<sup>2</sup>

#### SECTION

1-101. Compensation.

1-102. Officers, employees, etc., who handle money shall be bonded.

1-103. Establishment of the time and place for regular meetings of the Board of Mayor and Council.

**1-101. Compensation.** The annual salary of the Mayor and Council members of the City of Lawrenceburg are fixed at the amounts shown below.

Mayor: \$24,000.00 per year

Council members: \$12,000.00 per year (Ord. #962, March 2003, as amended by Ord. #1091, March 2012, and Ord. #1244, Sept. 2018 *Ch4\_03-28-19*)

**1-102. Officers, employees, etc., who handle money shall be bonded.** The city administrator and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall,

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Compensation: art. IV, § E.

Oath of office: art IV, § H.

Term of office: art. IV, § A.

Vacancy in office: art. IV, § J.

before entering upon his duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance or this charter. All such bonds and sureties shall be subject to the approval of the Board of Mayor and Council, and the Board of Mayor and Council may provide for blanket bonds. The cost of all bonds shall be an expense of the city.<sup>1</sup> (1999 Code, § 1-102, modified, and amended by Ord. #1091, March 2012)

**1-103. Establishment of the time and place for regular meetings of the Board of Mayor and Council.** The Board of Mayor and Council of the City of Lawrenceburg, Tennessee shall meet in regular session on the second and fourth Thursday of each month at the Lawrenceburg Municipal Complex Council Meeting Room, 25, Public Square, Lawrenceburg, Tennessee, beginning at 9:00 A.M. In the event any of the regular meeting days falls on a legal holiday, the meeting shall be held on a date set by motion of the board of mayor and council.<sup>2</sup> (1999 Code, § 1-103, as amended by Ord. #963, May 2003, Ord. #1029, Sept. 2007, Ord. #1039, July 2008, and Ord. #1091, March 2012, and replaced by Ord. #1171, March 2016 *Ch4\_03-28-19*, and Ord. #1257, Feb. 2019 *Ch4\_03-28-19*)

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<sup>1</sup>Charter reference  
Official bonds: art. VIII, § E.

<sup>2</sup>Charter reference  
Time and place of meetings: art. IV, § K.

## TITLE 2

### BOARDS AND COMMISSIONS, ETC.

#### CHAPTER

1. AIRPORT AND AERONAUTICS BOARD.
2. LAWRENCEBURG CROCKETT THEATER BOARD.

#### CHAPTER 1

### AIRPORT AND AERONAUTICS BOARD

#### SECTION

- 2-101. Creation and establishment.
- 2-102. General powers.
- 2-103. Funds for the board's use.
- 2-104. Specific powers.
- 2-105. Agreement for operation of airport.
- 2-106. Airport is within police jurisdiction.

**2-101. Creation and establishment.** (1) Membership. There is hereby created and established an airport and aeronautics board, which shall consist of six (6) members, three (3) of which shall be appointed by the Board of Mayor and Council of the City of Lawrenceburg, Tennessee, and three (3) of which shall be appointed by the County Commission of Lawrence County, Tennessee, and whose term of office shall be for a period of three (3) years, except the first board, whereon the term of one member shall expire in one (1) year, another in two (2) years and another in three (3) years.

(2) Term. The term of each commissioner shall begin on the 1st day of July and shall expire on the 30th day of June.

The Board of Mayor and Council of the City of Lawrenceburg, Tennessee shall appoint a resident of Lawrenceburg or Lawrence County, Tennessee to serve for a term of three (3) years, beginning on July 1 of that year, for the member of said board whose term expires that year.

No board or committee member may serve more than twelve (12) consecutive years in the same appointed board or committee position.

(3) Vacancies. In the event of a vacancy on said airport and aeronautics board by reason of death, resignation, or removal from Lawrence County, Tennessee, the Board of Mayor and Council who elected said member, shall elect some person, a resident of either Lawrence County, Tennessee or the City of Lawrenceburg, Tennessee, to fill the unexpired term of the member.

All members of said board shall serve until the expiration of their term or a vacancy otherwise occurs and until the appointment and qualification of his successor.

(4) Compensation. No member of said board shall receive compensation, as such, except there may be allowed such amount as fixed by the Board of Mayor and Council of the City of Lawrenceburg and the County Commission of Lawrence County, Tennessee, out of funds appropriated for or received by said board out of the income from the operation of the airport, for attending each meeting of the board.

Members of the board shall be eligible to be reimbursed for board approved travel expenses.

(5) Organization. At the first meeting of the board, after their appointment, the board shall organize and elect from their number a chairman and a secretary, who shall keep an accurate record of the proceedings of said board. (1999 Code, § 2-101, modified, and amended by Ord. #1091, March 2012)

**2-102. General powers.** The joint board herein established shall have power and authority to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate protect, and police the Lawrenceburg Airport and/or air navigation easement to be or which has previously been jointly acquired, controlled, and operated. Such board may exercise on behalf of the City of Lawrence and Lawrence County, Tennessee all the powers of each with respect to such airport, air navigation facilities, airport hazard, or navigation easement, subject to the limitations contained in Tennessee Code Annotated, § 42-5-204.

Said joint board shall have full power and authority to adopt its rules of procedure and shall act upon a majority vote of a quorum, and a majority of said board present at a meeting shall constitute a quorum. (1999 Code, § 2-102)

**2-103. Funds for the board's use.** For the purpose of providing the joint board with monies for necessary expenditures in carrying out the provisions of this chapter, a joint fund shall be created and maintained, into which shall be deposited the share of each the City of Lawrenceburg and Lawrence County, Tennessee, as provided by the joint agreement between them, and which shall be provided from funds from sources available to each. Any federal, state or other contributions or loans, and the revenues obtained from the joint ownership, control, and operation of said airport or air navigation facilities, under the jurisdiction of the board, shall be paid into the joint fund. Disbursements from such fund shall be made by order of the board, subject, subject to the limitations prescribed in Tennessee Code Annotated, § 42-5-204.

The board shall keep all funds coming into its hands in a separate bank account and shall render a statement of its accounts and fund balances, including a statement of all receipts and expenditures to the Board of Mayor and Council of the City of Lawrenceburg and the County Commissioners of Lawrence County, Tennessee, quarterly. Said board shall have its books, accounts, and funds audited each year by a reputable certified public accountant, and a report shall be filed with the Board of Mayor and Council of the City of Lawrenceburg

and the County Commission of Lawrence County, Tennessee. (1999 Code, § 2-103, modified, and amended by Ord. #1091, March 2012)

**2-104. Specific powers.** There is hereby delegated to the board the authority to enforce all state and federal regulations as relates to airports. Said board shall have the authority to enter into agreements with the Tennessee Aeronautics Commission, Federal Aviation Agency, and the United States Government or the State of Tennessee, or any administrative body under either of the aforesaid entities, for the purpose of planning, acquiring, establishing, developing, construction, enlarging, improving, operating, regulating, protecting, and policing the airport appurtenances and facilities related thereto owned by the City of Lawrenceburg and Lawrence County, Tennessee, and in addition thereto it shall have the following power and authority:

(1) Expenditures. The total expenditures to be made by the joint board for any purpose in any fiscal year shall be determined by a budget approved by the governing bodies of its constituent public agencies on or before the first day of the fiscal year.

(2) Acquisitions beyond sums allotted. No airport, air navigation facility, airport hazard, navigation easement, or real or personal property, the cost of which is in the excess of sums therefore fixed by the joint agreement or allotted in the annual budget, may be acquired by the joint board without the approval of the governing bodies of its constituent public agencies.

(3) Eminent domain. Eminent domain proceedings under Tennessee Code Annotated, §§ 42-5-201 and 42-5-205 may be instituted only by authority of the governing bodies of the constituent public agencies, which authority may be resolution or ordinance, provided that the joint board may, without such consent, enter into the contract, lease or other arrangements contemplated by Tennessee Code Annotated, § 42-5-110.

(4) Disposal of real property. The joint board shall not dispose of any airport navigation facility, navigation easement, or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies; provided that the joint board may, without such consent enter into the contract, lease, or other arrangements contemplated by Tennessee Code Annotated, § 42-5-110.

(5) Police regulations. Any resolutions, rules, regulations, or orders of the joint board dealing with subjects authorized by Tennessee Code Annotated, § 42-5-113 shall become effective only upon approval of the governing bodies of the constituent public agencies provided that upon approval, the resolutions, rules, regulations, or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinances, resolutions, rules of order, of each public agency would have in its own territory or jurisdiction.

(6) To enter into contracts, leases, agreements, grants or other arrangements for a term not exceeding ten (10) years, with any person or



persons, or corporation, either exclusive or in common with others, for the operation and maintenance of the airport, as stated below, provided that the public is not deprived of its lawful use thereof, and provided that the same shall not be inconsistent with the project application with the Federal Aviation Agency and the Grant Agreement with the Federal Aviation Agency thereof.

(a) Granting the privilege of using or improving such airport or air navigation facilities, including buildings or structures, or any portion of facility thereof, relating thereto, or real property acquired or set aside for such purposes, or space therein for commercial purposes, establishing the charges, rentals or fees at a fixed or variable rate binding upon the parties thereto for the full term of such contracts, leases, agreements, grants or other arrangements.

(b) Conferring the privileges of supplying goods, commodities, things, services or facilities at such airport or air navigation facilities.

(c) Determining the charges, rentals or fees for the use of any properties under its control and the charges for any services or any property may be used, except that such charges, rentals and fees as may be fixed or determined by any contract, lease agreement, grant or other arrangement or privileges, uses, services, accommodations or concessions to which the cities are a party, or are the grantors, shall, if expressly provided therein, be binding upon all parties thereto for the full term prescribed therein, unless the same is sooner nullified or terminated by mutual consent of the parties thereto.

(d) To enforce the payment of any charges for repairs or improvements to, or storage or care of, any personal property made or furnished in connection with the operation of the airport or air navigation facilities owned by the City of Lawrenceburg and Lawrence County, Tennessee.

(e) The board shall not dispose of any airport property or facilities except with the consent of the Board of Mayor and Council of the City of Lawrenceburg and the County Commission of Lawrence County, Tennessee, by joint action of said two bodies.

(f) The enumeration of powers herein shall not be construed as a limitation upon the power of said board, but the board shall have full and complete authority to carry out the purposes of this chapter and as vested in it by the laws of the State of Tennessee and this chapter. (1999 Code, § 2-104, modified, and amended by Ord. #1091, March 2012)

**2-105. Agreement for operation of airport.** This chapter, together with the resolution of the County Commission of Lawrence County, Tennessee, shall be considered as, and be, the agreement found in the Lawrence County, Tennessee and City of Lawrenceburg, for the joint operation of said airport. (1999 Code, § 2-105)

**2-106. Airport is within police jurisdiction.** Said airport shall be considered and deemed as one of the public streets of the City of Lawrenceburg, Tennessee, and the police jurisdiction of the City of Lawrenceburg shall extend to and cover said airport property, and the same shall be subject to enforcement of the ordinances of the City of Lawrenceburg to the same extent as if said airport were included within the city boundaries of the city. (1999 Code, § 2-106)

## CHAPTER 2

### LAWRENCEBURG CROCKETT THEATER BOARD

#### SECTION

- 2-201. Creation and establishment.
- 2-202. General powers and responsibilities.
- 2-203. Funds for the board's use.
- 2-204. Specific powers.

#### **2-201. Creation and establishment.**

(1) Creation and objective. Upon the adoption of this ordinance, there is created the Lawrenceburg Crockett Theater Board. The objective of the Lawrenceburg Crockett Theater Board is to enhance the quality of life for citizens of Lawrenceburg by encouraging visual and performing arts in order to further the public enjoyment and awareness of the visual and performing arts through the utilization of the Lawrenceburg Crockett Theater.

(2) Membership. (a) Qualifications. The selection of the board members shall be made from individuals who have an interest in the arts as evidenced by knowledge, support and experience. Members shall be selected without respect to political affiliations and shall serve without salary or compensation.

(b) Number of members/terms. The Lawrenceburg Crockett Theater Board shall consist of nine (9) members, each of whom shall be appointed for a term of three (3) years, provided that three of the initial nine members shall serve for one (1) year, three for two (2) years and three for three (3) years in order to achieve staggered terms of office. All subsequent appointments shall be for three (3) years, or for the duration of an unexpired term in the case of an appointment to a vacancy.

No board or committee member may serve more than twelve (12) consecutive years in the same appointed board or committee position.

(c) Appointment. Members of the Lawrenceburg Crockett Theater Board shall be appointed by the Mayor of the City of Lawrenceburg, subject to confirmation by the Board of Mayor and Council. City residency is preferred, but not required.

(d) Vacancies. In the event of a vacancy on said board by reason of death, resignation, or removal, the Board of Mayor and Council of the City of Lawrenceburg shall appoint some person to fill the unexpired term of the member. All members of said board shall serve until the expiration of their term or a vacancy otherwise occurs and until the appointment and qualification of his successor.

(3) Compensation. No member of said board shall receive compensation as such except there may be allowed such amount as fixed by the Board of Mayor and Council of the City of Lawrenceburg out of funds

appropriated for or received by said board out of the income from the operation of the Lawrenceburg Crockett Theater, for attending each meeting of the board.

Members of the board shall be eligible to be reimbursed for board approved travel expenses.

(4) Organization. At the first meeting of the board, after their appointment, the board shall organize and elect from their number a chairman, vice-chairman, secretary, and a treasurer who shall keep an accurate record of the proceedings of said board. Each shall serve for one (1) year terms of office. A majority of the board shall constitute a quorum for the transaction of business and a majority vote of those present shall be necessary to carry any proposition.

(a) The board shall determine a regular meeting schedule as necessary but not less frequent than once every two (2) months. All meetings shall be open to the public and the meetings shall be ruled by the Tennessee Sunshine Law to the extent proceedings of the Board of Mayor and Council are governed by such law.

(b) The board shall adopt such rules and regulations as necessary for the conduct of its business. The rules and regulations shall be reviewed and revised by the Board of Mayor and Council as may be required. (1999 Code, § 2-201, modified, and amended by Ord. #1091, March 2012)

**2-202. General powers and responsibilities.** The board herein established shall have the power and authority to enter into a lease with the City of Lawrenceburg for the Lawrenceburg Crockett Theater building, and to oversee the general maintenance, operation, regulation, protection of the Lawrenceburg Crockett Theater.

(1) The Lawrenceburg Crockett Theater Board is also authorized to apply for grants for renovations, improvements, or construction concerning the Lawrenceburg Crockett Theater Board. However, no structural changes shall be authorized by the theater board without prior approval of the Board of Mayor and Council of the City of Lawrenceburg.

(2) The board shall advise the Board of Mayor and Council on matters pertaining to cultural and artistic endeavors, projects, acquisitions of funds, and expenditures in which the city becomes involved concerning the Lawrenceburg Crockett Theater and will act as a representative of the community in such matters.

(3) The board shall, on behalf of the city, encourage, sponsor, co-sponsor, or conduct public programs to further the development and public awareness of the arts.

(4) The board shall encourage donations, grants and other support to further expand the arts and cultural services and programs available to the citizens of Lawrenceburg and the Lawrenceburg Crockett Theater.

(5) The board shall take such other actions as the mayor may direct from time to time. (1999 Code, § 2-202, modified, and amended by Ord. #1091, March 2012)

**2-203. Funds for the board's use.** (1) Fund created. For the purpose of providing the board with monies for necessary expenditures and carrying out the provisions of this chapter, a fund shall be created and maintained into which shall be deposited funds available for the Lawrenceburg Crockett Theater Board approved by the City of Lawrenceburg. All grants, contributions or loans and the revenue from the control and operation of the Lawrenceburg Crockett Theater, under the jurisdiction of the board, shall be paid into said fund. Disbursements from such fund shall be made by order of the board.

The board shall keep all funds coming into its hands in a separate bank account and shall render a statement of its accounts and fund balances, including a statement of all receipts and expenditures to the Board of Mayor and Council of the City of Lawrenceburg, quarterly. Said board shall have its books, accounts and funds audited each year by a reputable certified public accountant, and a report shall be filed with the Board of Mayor and Council of the City of Lawrenceburg.

(2) Budget. The Lawrenceburg Crockett Theater Board shall submit a budget request to the Board of Mayor and Council of the City of Lawrenceburg on or before the fifteenth (15th) day of June of each year. The budget shall include annual recommendation to the Board of Mayor and Council for the expenditure of funds in the Crockett Theater Board fund.

Total expenditures to be made by the board for any purpose in any fiscal year shall be determined by a budget approved by the Board of Mayor and Council of the City of Lawrenceburg.

(3) Acquisitions beyond sums allotted. The board does not have the authority to exceed its budget without the prior approval of the Board of Mayor and Council of the City of Lawrenceburg. (1999 Code, § 2-203, modified, and amended by Ord. #1091, March 2012)

**2-204. Specific powers.** There is hereby delegated to the board the authority to enter agreements for the purpose of planning, developing, construction, enlarging, improving, operating, regulating, protecting, and policing the Lawrenceburg Crockett Theater and facilities related thereto owned by the City of Lawrenceburg, and in addition thereto it shall have the following power and authority:

(1) To enter into a lease with the City of Lawrenceburg for the Lawrenceburg Crockett Theater.

(2) To enter into contracts, leases, agreements, grants, or other arrangements for a term not exceeding ten (10) years, with any person or persons, or corporation, either exclusive or in common with other, concerning

the Lawrenceburg Crockett Theater, provided that the same shall not be inconsistent with the interests of the citizens of the City of Lawrenceburg.

(a) Granting the privilege of using or improving said Crockett Theater including any portion of the facility thereof, relating thereto or real property acquired or set aside for such purpose, establishing the charges, rental or fees at a fixed or variable rate binding upon the parties thereto for the full term of such contracts, leases, agreements, grants or other arrangements. NOTHING HEREIN SHALL GRANT TO THE BOARD THE AUTHORITY TO APPROVE ANY STRUCTURAL CHANGES TO THE LAWRENCEBURG CROCKETT THEATER WITHOUT THE PRIOR APPROVAL OF THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF LAWRENCEBURG, TENNESSEE.

(b) Conferring the privileges of supplying goods, commodities, things, services or facilities at such Lawrenceburg Crockett Theater.

(c) Determining the charges, rentals or fees for the use of any properties under its control and the charges for any services or any property may be used.

(d) To enforce the payment of any charges for repairs or improvements to or storage or care of, any personal property made or furnished in connection with the operation of Lawrenceburg Crockett Theater owned by the City of Lawrenceburg.

(e) The board shall not dispose of any Crockett Theater property except with the consent of the Board of Mayor and Council of the City of Lawrenceburg.

(f) The enumeration of powers herein shall not be construed as a limitation upon the power of said board, but the board shall have full and complete authority to carry out the purposes of this chapter as vested in it by the Board of Mayor and Council of the City of Lawrenceburg.

(3) Liability insurance. It is the intent of this chapter that the Lawrenceburg Crockett Theater Board and its members shall be covered by the liability insurance of the City of Lawrenceburg, Tennessee. (1999 Code, § 2-204, as amended by Ord. #1091, March 2012)

## TITLE 3

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

#### CHAPTER

1. CITY COURT.
2. COURT ADMINISTRATION.
3. SUMMONSES AND CITATIONS.
4. COURT COSTS.

#### CHAPTER 1

#### CITY COURT

#### SECTION

- 3-101. City judge to open and hold city court.
- 3-102. City judge's powers.
- 3-103. City judge to suspend sentence and/or judgment.
- 3-104. Duties and powers of city judge.

**3-101. City judge to open and hold city court.** The city judge of the corporation shall open and hold court to be known as the city court for the trial of all persons arrested by the City of Lawrenceburg law enforcement department for the violation of any ordinance of the corporation. Such court shall be convened as necessary until all cases submitted for the investigation of the court shall be tried or otherwise disposed of. (1999 Code, § 3-101, modified)

**3-102. City judge's powers.** The city judge shall have and exercise all powers set out in Article XI of the Charter of the City of Lawrenceburg for the proper administration of justice in the city court. Said court shall be conducted in strict conformity with the rules and regulations as set forth in Article XI of the charter prescribing the conduct of the city judge's court. (1999 Code, § 3-102, modified)

**3-103. City judge to suspend sentence and/or judgement.** (1) The City Judge of the City of Lawrenceburg, Tennessee, be and is hereby authorized and empowered to suspend sentence, and/or judgment and to suspend execution of judgements against defendants who plead guilty to misdemeanors; and to make such suspension in whole or in part, or suspend the amount of fine upon payment of cost - all this in his discretion.

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<sup>1</sup>Charter reference

City court: art. XI.

(2) The city judge shall, in cases hereinbefore mentioned, pronounce judgment against the defendant or defendants, which judgment shall be entered upon minutes of the city judge's court; and if the city judge elects to suspend such sentence and/or judgment, the fact of such suspension shall likewise be noted upon the minutes of his court.

(3) The city judge may suspend such sentence and/or judgment immediately upon rendering it, or suspend any part of the fine and cost after the defendant has served part of his time in the county jail.

(4) If at any time within 12 months after such suspension it shall come to the city judge's knowledge that such defendant or defendants whose sentence or judgment has been suspended, have violated any or been guilty of the breach of either or any of the ordinances of the City of Lawrenceburg, he shall have the power in his discretion to issue an order or warrant against such defendant or defendants and have them brought before him for trial on the charge of violating any such ordinance; and if after a hearing on such charge, or on any charge made by a city law enforcement officer, the city judge finds such defendant guilty, the city judge shall have the right, in his discretion, to revoke such suspension and so enter same on his minutes or city judge's docket, and collect such fine and cost as was originally rendered against such defendant, take security in the regular way, and in default of payment or security, commit such defendant to the county jail, in as full and complete a manner as he could have done before such suspension. (1999 Code, § 3-103, modified)

**3-104. Duties and powers of city judge.**<sup>1</sup> The city judge shall try all persons charged with violation of the ordinances of the city. He shall have the power to levy fines, penalties and forfeitures, not exceeding the maximum set by state law, for each offense and to impose such costs as the Board of Mayor and Council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt. (1999 Code, § 3-104, modified, and amended by Ord. #1091, March 2012)

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<sup>1</sup>Charter references

Compensation: art. XI, § A.

Duties and powers: art. XI, § B.

Qualifications, etc.: art. XI, § A.



## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket and other court rules.

3-202. Disturbance of proceedings.

**3-201. Maintenance of docket and other court rules.**<sup>1</sup> The city judge or his designee shall keep a docket. The Board of Mayor and Council may, by ordinance, require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary. (1999 Code, § 3-201, modified, and amended by Ord. #1091, March 2012)

**3-202. Disturbance of proceedings.** Any person who shall intentionally create a disturbance during the session of the city court by any loud noise, indecorous or blasphemous language or other disorderly conduct shall be guilty of a misdemeanor and subject to a fine that does not exceed the state authorized amount for municipalities (maximum set by state law), which shall be imposed by the city judge and from which there shall be no appeal, provided, however, the party so offending may give security for the fine as in other cases. In appropriate cases, incarceration may be ordered. (1999 Code, § 3-202, modified)

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<sup>1</sup>Charter references

Docket, etc.: art. XI, § D.

Jurisdiction: art. XI, § A.

## CHAPTER 3

### SUMMONSES AND CITATIONS

#### SECTION

3-301. Issuance of summonses.

3-302. Violations and penalty.

3-303. Use of citations in lieu of continued custody of an arrested person.

**3-301. Issuance of summonses.** It shall be unlawful for any person receiving a summons or citation to appear in the Lawrenceburg city court, not to appear to answer that summons or citation. (1999 Code, § 3-401, modified)

**3-302. Violations and penalty.** Any person or persons violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than the maximum set by state law together with costs for each offense. Incarceration may also be ordered. (1999 Code, § 3-402, modified)

**3-303. Use of citations in lieu of continued custody of an arrested person.** (1) As used in this section, unless the context otherwise requires:

(a) "Citation" means a written order issued by a peace officer requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. Such order shall require the signature of the person to whom it is issued;

(b) "Magistrate" means any state judicial officer, including the judge of a municipal court, having original trial jurisdiction over misdemeanors or felonies; and

(c) "Peace officer" means an officer, employee or agent of government who has a duty imposed by law to:

(i) Maintain public order;

(ii) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and

(iii) Investigate the commission or suspected commission of offenses.

(2)(a) A peace officer who has arrested a person for the commission of a misdemeanor committed in his presence, or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, shall issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate. If the peace officer is serving an arrest warrant or capias issued by a magistrate for the commission of a misdemeanor, it is in the discretion of the issuing magistrate whether the person is to be arrested and taken into custody or arrested and issued a citation in accordance

with this section in lieu of continued custody. Each such warrant or capias shall specify the action to be taken by the serving peace officer who shall act accordingly.

(b) If a person is arrested for:

(i) The offense of theft which formerly constituted shoplifting, in violation of § 39-14-103;

(ii) Issuance of bad checks, in violation of § 39-14-122;

(iii) Use of a revoked or suspended driver's license in violation of § 55-50-504, § 55-50-601 or § 55-50-602;

(iv) Assault or battery as those offenses are defined by common law, if the officer believes there is a reasonable likelihood that persons would be endangered by the arrested person if a citation were issued in lieu of continued physical custody of the defendant; or

(v) Prostitution, in violation of § 39-13-513, if the arresting party has knowledge of past conduct of the defendant in prostitution or has reasonable cause to believe that the defendant will attempt to engage in prostitution activities within a reasonable period of time if not arrested;

a peace officer may issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.

(3) No citation shall be issued under the provisions of this section if:

(a) The person arrested requires medical examination or medical care, or if he is unable to care for his own safety;

(b) There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested person;

(c) The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field-administered fingerprint or thumbprint which a peace officer may require to be affixed to any citation;

(d) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized;

(e) A reasonable likelihood exists that the arrested person will fail to appear in court;

(f) The person demands to be taken immediately before a magistrate or refuses to sign the citation;

(g) The person arrested is so intoxicated that he could be a danger to himself or to others; and

(h) There are one (1) or more outstanding arrest warrants for the person.

(4) In issuing a citation, the officer shall:

(a) Prepare a written order which shall include the name and address of the cited person, the offense charged and the time and place of appearance;

(b) Have the offender sign the original and duplicate copy of the citation. He shall deliver one (1) copy to the offender and retain the other; and

(c) Release the cited person from custody.

(5) By accepting the citation, the defendant agrees to appear at the arresting law enforcement agency prior to trial to be booked and processed. Failure to so appear is a Class C misdemeanor.

(6) If the person cited fails to appear in court on the date and time specified or fails to appear for booking and processing prior to his court date, the court shall issue a bench warrant for such person's arrest.

(7) Whenever a citation has been prepared, delivered and filed with a court as provided herein, a duplicate copy of the citation constitutes a complaint to which the defendant shall answer. The duplicate copy shall be sworn to by the issuing officer before any person authorized by law to administer oaths.

(8) Nothing herein shall be construed to affect a peace officer's authority to conduct a lawful search even though the citation is issued after arrest.

(9) Any person who intentionally, knowingly or willfully fails to appear in court on the date and time specified on the citation or who knowingly gives a false or assumed name or address is guilty of a Class C misdemeanor, regardless of the disposition of the charge for which he was originally arrested. Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful.

(10) Whenever an officer makes a physical arrest for a misdemeanor and the officer determines that a citation cannot be issued because of one (1) of the eight (8) reasons enumerated in subsection (3), the officer shall note the reason for not issuing a citation on the arrest ticket. An officer who, on the basis of facts reasonably known or reasonably believed to exist, determines that a citation cannot be issued because of one (1) of the eight (8) reasons enumerated in subsection (3) shall not be subject to civil or criminal liability for false arrest, false imprisonment or unlawful detention.

(11)(a) Each citation issued pursuant to this section shall have printed on it in large, conspicuous block letters the following:

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE UP TO SIX (6) MONTHS AND/OR A FINE NOT TO EXCEED THE MAXIMUM SET BY STATE LAW.

(b) Each person receiving a citation under this section shall sign this citation indicating the knowledge of the notice listed in subdivision (11)(a). The signature of each person creates a presumption of knowledge of the notice and a presumption of intent to violate this section if the person should not appear as required by the citation.

(c) Whenever there are changes in the citation form notice required by this subsection, a law enforcement agency may exhaust its existing supply of citation forms before implementing the new citation forms.

(12) The provisions of this section shall govern all aspects of the issuance of citations in lieu of the continued custody of an arrested person, notwithstanding any provision of Rule 3.5 of the Rules of Criminal Procedure to the contrary.

(13) In cases in which:

(a) The public will not be endangered by the continued freedom of the suspected misdemeanor;

(b) The law enforcement officer has reasonable proof of the identity of the suspected misdemeanor; and

(c) There is no reason to believe the suspected misdemeanor will not appear as required by law;

the general assembly finds that the issuance of a citation in lieu of arrest of the suspected misdemeanor will result in cost savings and increased public safety by allowing the use of jail space for dangerous individuals and/or felons and by keeping officers on patrol. Accordingly, the general assembly encourages all law enforcement agencies to so utilize misdemeanor citations and to encourage their personnel to use such citations when reasonable and according to law. (1999 Code, § 3-403, modified)

## CHAPTER 4

### COURT COSTS

#### SECTION

3-401. Bill of costs.

3-402. Establishment of equipment, education, and D.A.R.E. fund.

**3-401. Bill of costs.** That the court costs of all warrants and citations in Lawrenceburg City Court after effective date of this ordinance shall be as follows:

Tax	\$ 1.50
Affidavit and warrant	\$ 5.00
Arrest	\$ 15.50
Issuing subpoena (each \$1.50)	
Serving subpoena (\$2.50)	
Appearance bond	\$ 2.50
Mittimus (each \$1.00)	
Bill of costs	\$ 4.50
Continuance (each \$1.00)	
Judgment	\$ 3.75
Jail fees _____ days at \$ _____	
Rearrest order (\$1.00)	
Rearrest (\$10.00)	
Fine (in addition to costs up to \$50.00)	\$ 2.00
Contempt fine	
Moving violations speeding	\$ 20.00
Court cost and litigation tax	\$ 31.75
Administrative charge	\$ 9.00
Computer charge	\$ 74.50
Education and equipment fund	\$ 10.00
Seat belt violation (goes into education fund)	\$ 5.00

(1999 Code, § 3-501, as amended by Ord. #969, Sept. 2003, and Ord. #986, Jan. 2005, and replaced by Ord. #1036, June 2008, Ord. #1114, June 2013, Ord. #1301, Jan. 2021 ***Ch5\_04-27-23***, and Ord. #1311, May 2021 ***Ch5\_04-27-23***)

**3-402. Establishment of equipment, education, and D.A.R.E. fund.**

Ten dollars (\$10.00) of the court cost shall go into the equipment and education fund and shall be used for equipment purchases for law enforcement purposes, and education expenses for the Lawrenceburg Police Department. Allowable education expenses would include expenses approved by the chief of police for use in the law enforcement field. (1999 Code, § 3-502, modified, as replaced by Ord. #1311, May 2021 ***Ch5\_04-27-23***)

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

1. SOCIAL SECURITY.
2. PERSONNEL RULES AND REGULATIONS.
3. [DELETED.]
4. [DELETED.]
5. [DELETED.]
6. [DELETED.]
7. [DELETED.]
8. [DELETED.]
9. [DELETED.]
10. [DELETED.]
11. [DELETED.]
12. [DELETED.]
13. [DELETED.]
14. [DELETED.]
15. [DELETED.]
16. [DELETED.]

**CHAPTER 1****SOCIAL SECURITY****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.
- 4-106. Exclusions.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the City of Lawrenceburg, Tennessee, to extend at the earliest date, to employees and officials thereof and the employees and officials of the City of Lawrenceburg's Electric System or Department, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as

may be required by applicable state and federal laws or regulations. (1999 Code, § 4-101)

**4-102. Necessary agreements to be executed.** The Mayor of the City of Lawrenceburg, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age and survivors insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1999 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, and shall be paid over to the state or federal agency designated by said laws or regulations. (1999 Code, § 4-103)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds, and from funds of the proper system or department of the City of Lawrenceburg, such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations. (1999 Code, § 4-104)

**4-105. Records and reports to be made.** The city, and each system or department thereof, shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1999 Code, § 4-105)

**4-106. Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city, except, effective January 1, 1956 the mayor is authorized to make an agreement with the State of Tennessee to extend the benefits of the System of Federal Old Age and Survivors Insurance to include those employees and officials of the Lawrenceburg Electric System who are rendering services in positions covered by a retirement plan with the Equitable Life Insurance Company of Iowa.

There is hereby excluded from this chapter authority to make an agreement with respect to any employee or official not authorized to be covered by applicable state or federal laws or regulations, and the mayor is authorized to make an agreement with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, to provide coverage effective October 1, 1960 of employees rendering services in emergency, part-time and fee based positions, and elective legislative, executive and judicial officials. (1999 Code, § 4-106)



## CHAPTER 2

### **PERSONNEL RULES AND REGULATIONS<sup>1</sup>**

#### **SECTION**

4-201. Personnel rules and regulations.

4-202. [Deleted.]

4-203. [Deleted.]

4-204. [Deleted.]

4-205. [Deleted.]

4-206. [Deleted.]

4-207. [Deleted.]

4-208. [Deleted.]

4-209. [Deleted.]

**4-201. Personnel rules and regulations.** The Personnel Manual for the City of Lawrenceburg is adopted by reference as if copied herein fully and may be viewed in its entirety in the office of the city administrator and on the City of Lawrenceburg's website: <http://www.lawrenceburgtn.gov>. (1999 Code, § 4-201, as replaced by Ord. #1011, March 2007, and Ord. #1090, Feb. 2012)

**4-202. [Deleted.]** (1999 Code, § 4-202, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-203. [Deleted.]** (1999 Code, § 4-203, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-204. [Deleted.]** (1999 Code, § 4-204, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-205. [Deleted.]** (1999 Code, § 4-205, as amended by Ord. #971, Oct. 2003, replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-206. [Deleted.]** (1999 Code, § 4-206, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-207. [Deleted.]** (1999 Code, § 4-207, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

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<sup>1</sup>Ord. #1090, Feb. 2012 (and any amendments) is available in the office of the city administrator.

**4-208. [Deleted.]** (1999 Code, § 4-208, as replaced by Ord. #1011, March 2007, and deleted by Ord. #1090, Feb. 2012)

**4-209. [Deleted.]** (1999 Code, § 4-209, as deleted by Ord. #1011, March 2007)

**CHAPTER 3**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 4**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 5**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 6**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 7**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 8**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)



**CHAPTER 9**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 10**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 11**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 12**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 13**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 14**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 15**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)

**CHAPTER 16**

**[DELETED]**

(as deleted by Ord. #1090, Feb. 2012)



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

1. PRIVILEGE TAXES.
2. PURCHASING REGULATIONS.
3. REAL AND PERSONAL PROPERTY TAXES.
4. OPEN RECORDS FEE.

**CHAPTER 1****PRIVILEGE TAXES****SECTION**

- 5-101. Tax levied.  
5-102. License required.

**5-101. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1999 Code, § 5-101)

**5-102. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1999 Code, § 5-102)

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<sup>1</sup>Charter reference  
Taxation: art. X.

## CHAPTER 2

### PURCHASING REGULATIONS

#### SECTION

5-201. Purchasing agent; office created.

5-202. Duties of purchasing agent.

5-203. Purchasing procedures only revised by resolution.

**5-201. Purchasing agent; office created.** As provided in Tennessee Code Annotated, § 6-56-301, et seq., the office of purchasing agent is hereby created and the city administrator shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City of Lawrenceburg. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (1999 Code, § 5-201, modified)

**5-202. Duties of purchasing agent.** The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city recorder. (1999 Code, § 5-202, modified)

**5-203. Purchasing procedures only revised by resolution.** After initial approval by resolution of the governing body of this city, changes or revisions to the purchasing procedures shall be made only by resolution. (1999 Code, § 5-203)

## CHAPTER 3

### REAL AND PERSONAL PROPERTY TAXES

#### SECTION

#### 5-301. Partial payments.

**5-301. Partial payments.** (1) The city shall accept partial payments of annual real property taxes beginning on the first Monday of October 2011. Notwithstanding the following schedule, the entire amount of taxes due must be paid in full prior to the first day of March.

(2) Partial payments will be accepted according to the following schedule:

(a) The City of Lawrenceburg will accept partial payments in increments of four (4) before the first day of March without penalty.

(b) Any tax remaining after said first day of March will accrue interest and the entire property will be considered delinquent and may be subject to a tax lien and enforcement by tax sale or other legally authorized procedures.

(3) Notwithstanding the schedule in subsection (2), no penalties, fines, interest or other fees shall be assessed against the taxpayer except as provided by subsection (2).

(4) Prior to the final reading of the ordinance comprising this chapter, the recorder shall transmit to the state comptroller of the treasury a copy of the ordinance comprising this chapter, which shall serve as the plan required by Tennessee Code Annotated, § 6-56-152(b)<sup>1</sup>. To fulfill the requirements of that section, the city hereby declares that:

(a) The city has the appropriate accounting technology to implement this program; and

(b) The city can implement this program within existing resources. (as added by Ord. #1080, July 2011)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 6-56-152 permits a municipality that collects its own property taxes to, via ordinance, accept partial payment of property taxes upon filing a plan for such with the comptroller of the treasury. The plan must indicate that the municipality has the appropriate accounting system technology. The plan must also indicate whether the program will be implemented within existing resources or indicate prior approval of the governing body if additional resources are needed. The plan is not required for a city that has implemented a partial payment program prior to March 29, 2010.

## CHAPTER 4

### OPEN RECORDS FEE

#### SECTION

5-401. Procedures regarding access to an inspection of public records.

**5-401. Procedures regarding access to an inspection of public records.** (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Lawrenceburg shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Lawrenceburg shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the department manager of the department maintaining records requested or his/her designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the department manager maintaining records requested.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Lawrenceburg, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian (department manager of department maintaining records requested).

(4) When records are requested for inspection or copying, the records custodian (department manager) has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian (department manager) shall:

- (a) Produce the records requested;
- (b) Deny the records in writing, giving explanation for denial;

or

- (c) In the case of voluminous requests, provide, in writing, the requestor with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

(a) Standard 8 ½ x11 or 8 ½ x14 black and white copy - \$.15 per page for each produced.

(b) Standard 8 ½ x11 or 8 ½ x14 color copy - \$.50 per page for each produced.

(c) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester.

Employee labor in excess of one (1) hour may be charged to the requester, in addition to the cost per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(b) When the total number of requests made by a requestor within a calendar month exceeds four (4), the requests will be aggregated, and the requestor shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

(7) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the records custodian (department manager) may assess the requestor the cost assessed to the city.

(8) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian (department manager). Alternatively, the requestor may choose to have the copies of records delivered

via United States Postal Service; provided that the requestor pays all related expenses in advance.

(9) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #1123, Nov. 2013)

**TITLE 6****LAW ENFORCEMENT****CHAPTER**

1. POLICE DEPARTMENT.
2. POLICE DEPARTMENT RESERVE.

**CHAPTER 1****POLICE DEPARTMENT<sup>1</sup>****SECTION**

- 6-101. Created; composition; terms.
- 6-102. Chief of police-control and supervision.
- 6-103. Duties of department.
- 6-104. Compensation.

**6-101. Created; composition; terms.** There shall be, and is hereby created, in and for the municipality of the City of Lawrenceburg, in Tennessee, a police department to be known and designated as the City of Lawrenceburg Police Department, and which may be composed of a chief, assistant chief, lieutenants, and sergeants, and such other personnel as the governing body of said municipality may provide, including the City of Lawrenceburg Police Department Reserve created by Ordinance #797 of said municipality, adopted and entitled as more fully hereinafter set out in chapter 2 of this title. The chief is appointed by the Board of Mayor and Council upon recommendation of the city administrator pursuant to Article V, Section C, of city's charter. (1999 Code, § 6-101, modified, and amended by Ord. #1091, March 2012)

**6-102. Chief of police-control and supervision.** The chief of police, through himself and the assistant chief, shall have the control and supervision of the police department, and the work assignments of all personnel of said police department, the hours and places of work under such assignments. (1999 Code, § 6-103, modified)

**6-103. Duties of department.** It shall be the duty of the chief of police and all policemen and other personnel of the Lawrenceburg police department to enforce within the corporate limits of the City of Lawrenceburg, and within the police jurisdiction of said City of Lawrenceburg for said distance of not

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<sup>1</sup>Municipal code reference

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

exceeding one (1) mile from such corporate limits outside of same, as well as the lawful orders of the city administrator of said municipality, and the laws of the State of Tennessee, and also any rules and regulations adopted by the chief of police, the city administrator of said municipality for said Lawrenceburg Police Department, the said chief and city administrator being hereby empowered to promulgate and put into effect such rules and regulations, the same, however, to also be entered on the minutes of said governing body.

It shall be the duty of said chief of police or any member of said Lawrenceburg police department designated by him to serve all process issued by the city judge of the municipal court, provided, that any member of said Lawrenceburg police department who shall have sworn out or caused the issuance by said city judge of any warrant for violation of any ordinance of said city shall have authority to make the arrest thereby authorized.

It shall be the duty of the chief of police or some member of the Lawrenceburg police department designated by him to attend all sessions of the municipal court and act as bailiff thereof, but if no bailiff has been thus designated, the city judge may call on any member of said Lawrenceburg police department to act as bailiff of said court. (1999 Code, § 6-104, modified)

**6-104. Compensation.** The governing body of said municipality is hereby authorized to compensate for their services the chief, assistant chief, and other personnel of said Lawrenceburg Police Department and said City of Lawrenceburg Police Department Reserve for their services in such amounts, and payable at such times as they deem advisable, and such compensation may be raised or lowered as such governing body may decide through budget ordinances. (1999 Code, § 6-106, modified)



## CHAPTER 2

### POLICE DEPARTMENT RESERVE

#### SECTION

- 6-201. Definition.
- 6-202. Appointment.
- 6-203. Compensation.
- 6-204. Supervision.
- 6-205. Departmental rules and regulations.
- 6-206. At will.
- 6-207. Powers of reserve officers.

**6-201. Definition.** The police department reserve force is a volunteer organization, the members of which have enrolled as a civic service to assist the regular police force of the Lawrenceburg Police Department. (1999 Code, § 6-201)

**6-202. Appointment.** Members of the police department reserve force shall be appointed by the chief of police. (1999 Code, § 6-202, modified)

**6-203. Compensation.** All members of the police department reserve force shall receive no salary or compensation for their services as such, except that for appearance in court as witnesses, such member shall be entitled to receive the fees provided by law for witnesses. (1999 Code, § 6-203)

**6-204. Supervision.** The chief of police, under the direction of the city administrator, shall have control of the organization, government, administration, supervision, operation, and discipline of the police reserve force. (1999 Code, § 6-204, modified)

**6-205. Departmental rules and regulations.** Members of the police department reserve force shall be governed by such rules and regulations of the Lawrenceburg Police Department as, in the opinion of the chief of police, are applicable to them. (1999 Code, § 6-205, modified)

**6-206. At will.** All reserve officers, after the effective date of this chapter, shall serve at the will and pleasure of the chief of police. (1999 Code, § 6-206, modified)

**6-207. Powers of reserve officers.** The members of such police department reserve shall have, and there is hereby conferred upon them, the powers to act as police officers being peace officers or special policemen, provided, however, that the members of said police department reserve shall

perform such police powers within the corporate limits of the City of Lawrenceburg, and outside of but within one mile of such corporate limits, being the area over which the City of Lawrenceburg is given police jurisdiction under its original charter, Acts 1901, ch. 457, as amended and extended and contracted by ordinance, during such periods of time and at such times as such members of such police department reserve are actually performing duties officially prescribed or ordered by the Chief of Police of the City of Lawrenceburg, and while performing such duties, but at no other times, such member of such police department reserve shall wear a police badge specifically furnished therefor by the Chief of Police of the City of Lawrenceburg, and/or shall have in his or her possession an appointment, or other credentials, showing authority. (1999 Code, § 6-207, modified)

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

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

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

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be congruent with the City of Lawrenceburg corporate limits. (1999 Code, § 7-101, modified)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. [Deleted.]
- 7-202. Enforcement.
- 7-203. Definitions.
- 7-204. Storage and transportation of explosives, flammable liquids, etc.
- 7-205. Modifications.
- 7-206. Appeals.
- 7-207. New materials, processes or occupancies which may require permits.
- 7-208. Violations and penalties.

**7-201. [Deleted.]** (1999 Code, § 7-201, as amended by Ord. #955, July 2002, and Ord. #991, April 2005, and deleted by Ord. #1142, Aug. 2014)

**7-202. Enforcement.** (1) The fire prevention codes herein adopted by reference shall be enforced by the Lawrenceburg Codes Department of the city which shall be operated under the director of codes enforcement or his designee.

(2) There is established the office of fire inspector. The fire inspector shall be supervised by and report to the director of codes department and shall inspect all commercial and industrial property at least bi-annually; shall make recommendations for strict compliance of the fire prevention codes; shall keep and maintain permanent records of his inspections; shall keep the director of codes department informed of the results of all inspections; shall inform owners of property inspected of non-compliance by registered or certified mail; shall aid the director of codes department in enforcement of the fire prevention codes; shall notify the director of codes department of flagrant violations potential high hazard fire fighter safety issues; and shall file an annual report with the director of codes department.

(3) An annual report from the director of codes department shall be made and transmitted to the city administrator; it shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1999 Code, § 7-202, modified, and amended by Ord. #1142, Aug. 2014)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

**7-203. Definitions.** (1) Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Lawrenceburg, Tennessee.

(2) Wherever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the Attorney for the City of Lawrenceburg.

(3) Wherever the term "chief of the fire department" is used in the fire prevention codes, it shall be held to mean the Fire Chief for the City of Lawrenceburg.

(4) The term "fire inspector" shall be held to mean the person charged with the responsibility of conducting bi-annual inspections of commercial and industrial property within the City of Lawrenceburg, Tennessee. (1999 Code, § 7-203, modified)

**7-204. Storage and transportation of explosives, flammable liquids, etc.** (1) The routes referred to in § 1903.2 of the standard fire prevention code or adopted NFPA codes for vehicles transporting explosives and blasting agents are hereby established upon authority of the chief of police.

(2) The routes referred to in § 2201.1.2 of the standard fire prevention code or adopted NFPA codes for vehicles transporting hazardous chemical and other dangerous articles are hereby established upon authority of chief of police and chief of fire department. (1999 Code, § 7-204, as amended by Ord. #1142, Aug. 2014)

**7-205. Modifications.** (1) The Board of Mayor and Council shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, 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 modification when granted or allowed and the decision or the Board of Mayor and Council thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(2) When reference is made to the duties of a certain official named therein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the fire code shall be deemed to by the responsible official insofar as enforcing the provisions of the fire code.

(3) Any matters in the Standard Fire Prevention Code, National Fire Code, and Life Safety Code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1999 Code, § 7-205, as amended by Ord. #955, July 2002, modified, and Ord. #1142, Aug. 2014)

**7-206. Appeals.** Whenever the fire inspector shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire inspector to the Board of Mayor and Council within 30 days from the date of the decision appeared. (1999 Code, § 7-206, modified, and amended by Ord. #1142, Aug. 2014)

**7-207. New materials, processes or occupancies which may require permits.** The city administrator and the director of codes enforcement shall act as a committee to determine and specify, after giving affected persons any opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The director of codes enforcement shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1999 Code, § 7-207, modified, and amended by Ord. #1142, Aug. 2014)

**7-208. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code, the National Fire Code, or the Life Safety Codes herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the Board of Mayor and Council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1999 Code, § 7-208, modified, and amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

## CHAPTER 3

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

#### **SECTION**

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

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations of the Board of Mayor and Council. Any funds raised or gifts received by the fire department as a whole, or by any individual or group of firemen in the name of the fire department, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. All other apparatus, equipment, and supplies of the fire department shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief recommended by the city administrator and appointed by the Board of Mayor and Council, pursuant to Article V, Section C of the city's charter, and such number of physically-fit subordinate officers and firemen as the city administrator shall appoint. <sup>2</sup> (1999 Code, § 7-301, modified, and amended by Ord. #1091, March 2012)

**7-302. Objectives.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue and medical work as its equipment and/or the training of its personnel makes practicable. (1999 Code, § 7-302, modified)

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>Charter reference

City administrator; Powers and duties: art. V, § C.

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, under the direction and guidance of the city administrator. The chief shall make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, with the concurrence and approval of the city administrator. The fire chief will make reports as required and necessary to the city administrator regarding the organization, manning and operating regulations of the City of Lawrenceburg Fire Department.<sup>1</sup> (1999 Code, § 7-303, modified)

**7-304. Records and reports.** The chief of the fire department or his designee shall keep adequate records of all fires, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the city administrator as he so requires.<sup>1</sup> The city administrator shall submit a report on those matters to the Board of Mayor and Council as they may require. (1999 Code, § 7-304, modified, and amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

**7-305. Discipline of members.** The chief of the fire department shall have the authority to suspend any member of the fire department when he deems such action to be necessary for the good of the department, pursuant to the provisions of the Personnel Rules and Regulations of the City of Lawrenceburg. The chief may be suspended pursuant to the provisions of the Personnel Rules and Regulations of the City of Lawrenceburg. (1999 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firefighters and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city administrator. (1999 Code, § 7-306, modified)

**7-307. 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 Insurance and is subject to all the duties and obligations and 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. (1999 Code, § 7-307)

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<sup>1</sup>Municipal code reference

Annual report of fire chief: § 7-202(3).



## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Manufacture prohibited.
- 7-404. Permits required, storage, sale and use restricted.
- 7-405. Permit fee.
- 7-406. Business and privilege licenses required.
- 7-407. Permissible type of fireworks.
- 7-408. Conditions for sale and use of permissible items.
- 7-409. Retail sale of permissible items--time limitations--exceptions.
- 7-410. Public displays--permits--regulation.
- 7-411. Regulations governing storing, locating or display of fireworks.
- 7-412. Unlawful acts in the sale, handling or private use of fireworks.
- 7-413. Seizure and destruction of fireworks.
- 7-414. Penalty for violation.
- 7-415. Exceptions to application.

**7-401. Purpose.** The purpose of this chapter is to provide for the sale, display and use of certain fireworks for both private and public display within the corporate limits of the City of Lawrenceburg, Tennessee, within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #940, July 2001)

**7-402. Definition of terms.** As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise:

(1) "Distributor" means any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a retailer, wholesaler, or any person who receives, brings or imports any fireworks of any kind, in any manner into the City of Lawrenceburg, except to a holder of a manufacturer's distributor's or wholesaler's permit issued by the state fire marshal and the Lawrenceburg Codes Department;

(2) "D.O.T. Class 1.4 common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class 1.4 common fireworks" in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(3) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the City of Lawrenceburg;

(4) "Permit" means the written authority of the Lawrenceburg Codes Department issued under the authority of this chapter;

(5) "Person" means any individual, firm, partnership, corporation, LLC or LLP, or any other entity;

(6) "Retailer" means any person engaged in the business of making retail sales of fireworks at specified times during the year as provided herein;

(7) "Sale" means an exchange of articles of fireworks for money and also includes the barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, copartnership, or any one (1) or more individuals;

(8) "Special fireworks" means all articles of fireworks that are classified as Class 1.3 explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class 1.4. (Ord. #940, July 2001, as amended by Ord. #1142, Aug. 2014)

**7-403. Manufacture prohibited.** It shall be unlawful for any person, as defined herein, to manufacture within the corporate limits of Lawrenceburg, pyrotechnics, commonly known as fireworks, of any kind or description. (1999 Code, § 7-403)

**7-404. Permits required, storage, sale and use restricted.** It shall be unlawful for any person, as defined herein, to store or sell in, or ship into, the corporate limits of Lawrenceburg, any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) Any person, as defined herein, desiring to store and/or sell fireworks within the corporate limits of Lawrenceburg shall make application for a permit to do so on forms provided for that purpose.

The application shall include the name of the person making the application, the person, as defined herein, he represents, the business address of both the applicant and the person he represents, the address and description of the premises where the storage and/or the sale of fireworks is contemplated and any other information the fire inspector deems pertinent to aid in the investigation of the application.

The application shall be referred to the Lawrenceburg Fire Inspector who shall interview the applicant and inspect the premises in which the storage and/or sale of fireworks is contemplated and make whatever additional

investigation of the applicant or premises he deems appropriate to insure that the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire inspector shall make a determination which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire inspector shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire inspector approves the application the permit shall be issued. If the fire inspector's approval is qualified, the restrictions and conditions imposed by the fire inspector upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, as defined herein, or on any other premises or location. (1999 Code, § 7-404, as amended by Ord. #1142, Aug. 2014, and Ord. #1180, Aug. 2016 *Ch4\_03-28-19*)

**7-405. Permit fee.** The permit fee for the permit provided in §7-404 of this chapter shall be one hundred dollars (\$100.00) with the fee split between the codes department and the fire department. The permit shall be valid for twelve (12) months. The permit and fee may change from time to time through resolution. However, the Board of Mayor and Council of Lawrenceburg may in its discretion waive the permit fee for any non-profit organization requesting the permit. (1999 Code, § 7-405, modified, and amended by Ord. #1091, March 2012, and Ord. #1180, Aug. 2016 *Ch4\_03-28-19*)

**7-406. Business and privilege licenses required.** The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal business and privilege licenses as now or hereafter provided by law. (1999 Code, § 7-406)

**7-407. Permissible type of fireworks.** It is unlawful for any person as defined herein to possess, sell or use within the City of Lawrenceburg, or ship into the City of Lawrenceburg, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 1.4 common fireworks; or

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (1999 Code, § 7-407)

**7-408. Conditions for sale and use of permissible items.** No permissible articles of common fireworks shall be sold, offered for sale, or possessed within the City of Lawrenceburg, or used within the city, except as herein provided unless it is properly named to conform to the nomenclature and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "D.O.T. Class 1.4 common fireworks," such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (1999 Code, § 7-408)

**7-409. Retail sale of permissible items--time limitations--exceptions.** Permissible articles of fireworks may be sold at retail in the City of Lawrenceburg and used within the City of Lawrenceburg from June 20<sup>th</sup> through July 5<sup>th</sup>, and December 10<sup>th</sup> through December 31<sup>st</sup> and January 1<sup>st</sup> and 2<sup>nd</sup> of each year only, except that "fireworks" do not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, or other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or perchlorate salts may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, the sale and use of which shall be permitted at all times. (1999 Code, § 7-409)

**7-410. Public displays--permits--regulation.** Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the City of Lawrenceburg shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulation or the United States Department of Transportation as "Class 1.3 special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the Lawrenceburg Codes Department, and applied for and received a permit for such displays issued by the state fire marshal and from the City of

Lawrenceburg Codes Department. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks display shall be confined to holders of a distributors permit only.

Permit fees for public display provided for in this section shall be four hundred dollars (\$400.00) but the fee may be waived at the discretion of the Board of Mayor and Council for any non-profit organization requesting the permit. (1999 Code, § 7-410, as amended by Ord. #1091, March 2012, and Ord. #1142, Aug. 2014)

**7-411. Regulations governing storing, locating or display of fireworks.** (1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS--NO SMOKING" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision. (1999 Code, § 7-411)

**7-412. Unlawful acts in the sale, handling or private use of fireworks.** (1) It is unlawful to:

(a) Offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person;

(b) Explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, school, industrial complex, fuel distribution center, commercial lumber yard, property of the City of Lawrenceburg, or in the City of Lawrenceburg downtown business areas, or within two hundred feet (200') of where fireworks are stored, sold or offered for sale;

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any

person place or throw any ignited article of fireworks into or at such motor vehicle, or at or near any person or group of people.

(2) All items of fireworks which exceed the limits of D.O.T. Class 1.4 common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within the City of Lawrenceburg for any purpose. This subsection shall not affect display fireworks authorized by this chapter. (1999 Code, § 7-412)

**7-413. Seizure and destruction of fireworks.** (1) The Lawrenceburg Codes Department shall seize as contraband any fireworks other than "Class 1.4 common fireworks" or "special fireworks" for public displays which are sold, displayed, used or possessed in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the Lawrenceburg Codes Department shall give notice by certified mail or personal service to such owner, of the codes department's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the codes department shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the Lawrenceburg Codes Department, the codes department personnel shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and the codes department's intention to destroy such fireworks. The notice shall be published once and if no person claims ownership of the fireworks within ten (10) days of the date of the publication, the Lawrenceburg Codes Department may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (1999 Code, § 7-413, as amended by Ord. #1142, Aug. 2014)

**7-414. Penalty for violation.** Any person as defined herein that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not to exceed state authorized limits. In addition, the Lawrenceburg Codes Department may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (1999 Code, § 7-414, modified, and amended by Ord. #1142, Aug. 2014)

**7-415. Exceptions to application.** (1) Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or navel forces of the United States, or the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of Lawrenceburg.

(2) Further exempt are fireworks and/or fireworks displays that might be other than the use of Class 1.4 common fireworks when used solely for a public exhibition of such items either when displayed or discharged. (1999 Code, § 7-415)

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. BEER.
2. ALCOHOLIC BEVERAGES OTHER THAN BEER.
3. INTOXICATING LIQUORS.

#### CHAPTER 1

#### BEER<sup>2</sup>

#### SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Privilege tax.
- 8-109. Beer permits shall be restrictive.
- 8-110. Types of permits.
- 8-111. Interference with public health, safety, and morals prohibited.
- 8-112. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-113. Prohibited conduct or activities by beer permit holders.
- 8-114. Revocation of beer permits.
- 8-115. Civil penalty in lieu of suspension.
- 8-116. Loss of clerk's certification for sale to minor.

**8-101. Beer board established.** There is hereby established a beer board to be composed of five (5) members appointed by the mayor with consent of the council. All members of the beer board shall be citizens of the city or owners of real property located in the City of Lawrenceburg. Beer board members shall be appointed for five (5) year terms except that the first members

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>Municipal code references

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).



shall be appointed for staggered terms so that the term of one (1) member shall expire each year thereafter. Beer board members shall hold office for their term or until their successors are appointed and qualified. No board or committee member may serve more than twelve (12) consecutive years in the same board or committee position.<sup>1</sup>A chairman shall be elected annually by the board from among its members. The Board of Mayor and Council may also, by resolution adopt from time to time as they deem proper the amount of compensation to be paid, and the time of payment, to the members of said beer board for their services thereon, as said council may deem proper; provided that the members of said beer board may serve without compensation for services thereon.

If at any time all places on such beer board are vacant or unfilled, the Board of Mayor and Council shall serve as and perform the duties of, such beer board. If vacancies should occur in such beer board the Board of Mayor and Council shall appoint one (1) or more of their members, as may be necessary, to serve as a member or members of the beer board until the vacancy or vacancies are filled. (1999 Code, § 8-101, modified, and amended by Ord. #1091, March 2012)

**8-102. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city administration building at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman or any two members provided he or they give a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time or place. (1999 Code, § 8-102)

**8-103. Record of beer board proceedings to be kept.** The city administrator or his designee shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1999 Code, § 8-103, modified)

**8-104. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1999 Code, § 8-104)

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<sup>1</sup>Charter reference  
Article IV, Section G(1).

**8-105. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to approve or disapprove and/or restrict applicants for the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter, subject to the provisions of state law. (1999 Code, § 8-105, modified)

**8-106. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all intoxicating beverages such as beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1999 Code, § 8-106)

**8-107. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute, or manufacture beer without first making application to and obtaining a permit from the beer board of the City of Lawrenceburg. The application shall be made on such form as the beer board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101 et seq., and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Lawrenceburg. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the location of the premises remains the same, and the establishment continues to do business; the location of the establishment remains the same; the establishment continues to be operated under the name identified in the permit application and the annual privilege tax is paid. (1999 Code, § 8-107, modified)

**8-108. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, of each year, to the City of Lawrenceburg, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1999 Code, § 8-108)

**8-109. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by

the beer board so as to authorize sales only for on or off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

No permit shall be issued to sell any beverage coming within the provisions of this chapter in violation of the zoning ordinance of the City of Lawrenceburg, Tennessee. (1999 Code, § 8-109)

**8-110. Types of permits.** (1) Club permits. There presently exists four (4) clubs in the City of Lawrenceburg with a beer permit which were issued pursuant to Ord. #507 of the City of Lawrenceburg. Club permits are limited to the four (4) in existence on August 10, 1999

The possession for sale, storage for sale, and sale at retail of beer is permitted to establishments holding a club permit under the provisions and conditions of this chapter.

Such holders of club permits are permitted to sell, serve or dispense to their respective members thereof, and to any guest of a member, when the guest is accompanied by a member, at the club premises, cooled beer for consumption on the premises where sold, delivered, served, and/or dispensed, and such clubs are also permitted to sell or deliver to its respective members, at the club premises, cooled or uncooled beer for off-premises consumption; Provided, that a list of guests of members, be kept and at all times be maintained, and be subject to inspection by representatives of the City of Lawrenceburg, and that any member of such club who is the bartender or who is employed in the sale or serving of beer is prohibited from selling, serving, delivering, or dispensing beer to any guest of such bartender or employee; Provided, further, that such beer is sold, serviced and dispensed, or delivered only to members of the club who hold valid, unexpired membership of the club, for either on-premises consumption (which may include service of beer to such guests as aforesaid) or off-premises consumption, and that such sales, service, and delivery of beer shall be in compliance with the hours allowed in this chapter. Provided however any holder of a club permit who also holds a liquor by the drink license issued by the Tennessee Alcoholic Beverage Commission shall be allowed to sell, serve, deliver, or dispense beer during the same days and same hours as it is authorized to sell liquor by the drink by the Tennessee Alcoholic Beverage Commission. The sale and/or service or delivery of beer by any club, club member, or any officer or employee thereof or by its bartender, to any person, including members of such club, who is a minor (i.e. a person under the age of twenty-one years) or to any person who is not a member of the club or who doesn't hold a valid unexpired membership, except a guest accompanied by the member, is expressly prohibited, and likewise any purchases or receipts of beer

from such clubs by such persons and/or at such times, are prohibited, and any such sale or purchase is declared to be illegal, and unlawful.

(2) Off premises permit. An off premises permit shall be issued for the consumption of beer only off the premises of such seller and said beer is not to be consumed by the purchaser or other persons upon the premises of such seller.

(3) On premises permit. An on premises permit shall be issued for the consumption of beer on the premises of such seller. To qualify for an on premises permit, an establishment must, in addition to meeting the other regulations in this chapter:

(a) Be primarily a restaurant or bowling alley; and

(b) Be able to seat a minimum of thirty (30) people, in booths and at tables, in addition to any other seating it may have; and

(c) The monthly beer sales of any establishment that holds an on premises permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked. Provided however, the beer board shall not suspend, revoke, or deny an on premises permit to a business engaged in the sale of beer on the basis that beer sales exceed fifty percent (50%) of its gross sales if a valid on premises permit has been issued to any business as of August 10, 1999; provided further, however, that this exception shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period after August 10, 1999.

(d) For the purposes of this chapter a "restaurant" is defined as an establishment in which a diversified selection of food and beverages are offered for sale within the building in which the establishment is located, and has a kitchen separate and apart from the dining area; but adjoining the dining area, in which food is prepared for consumption by the public, and the serving of food or meals constitutes the principal business of such establishment and the serving of beer being only an incidental part of the business.

(e) For the purpose of this chapter a "bowling alley" is defined as an establishment which has permanently affixed bowling lanes for the sport of bowling and the sport of bowling constitutes the principal business of such establishment and the serving of beer being only an incidental part of the business.

(4) Special event permit. (a) The beer board shall have the authority to issue temporary permits for the sale, storage, dispensing, serving, distribution and/or manufacture of beer in the city for periods not to exceed a total of ten (10) days during a calendar year. A temporary permit may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on

which the permit shall be valid and the time or times during which the permit shall be valid. Temporary permits shall be issued upon the same conditions governing other permits except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for on-premises consumption.

(b) A special event permit may be issued by the beer board and is a permit which may be issued to an organization hosting or sponsoring the event. Such permit shall be issued for a period of time not to exceed ten (10) days, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. A multiple event permit may be issued for a fixed number of events during a calendar year (provided a fee of two hundred fifty dollars (\$250.00) for each event listed in the multiple event application has been paid). Such permit shall not be issued unless and until there shall have been paid to the City of Lawrenceburg for each such permit a fee of two hundred fifty dollars (\$250.00) and there shall have been submitted to the beer board an application which designates the premises and the designated area on the premises upon which beer shall be served and consumed. The application for a special event permit shall set forth the following information:

(i) The name, address and telephone number of the presiding officer of the organization seeking a special event permit; and

(ii) The name, address and telephone number of the person responsible for beer sales under the permit; and

(iii) The date(s) and time(s) when the event will be held; and

(iv) The hours when beer sales will be conducted during the event; and

(v) The proposed location for the same, storage, dispensing and distribution is to take place.

(vi) The proposed designated area on the premises where consumption of beer is to be restricted to (map or drawing of the premises with the designated area highlighted.)

(c) A special event permit shall be restricted where hours of sale, distribution, dispensing or serving shall terminate at 11:59 P.M. on any date during the permit time and its shall be unlawful for the special event permit holder to allow the sale, distribution, dispensing or serving past 11:59 P.M. on any date during the permit duration.

(d) Special event permittees must have food sales available at the event in order to qualify for a special event permit. (Ord. #942, June 2001, as amended by Ord. #1077, June 2011, Ord. #1121, Nov. 2013, Ord.

#1203, July 2017 *Ch4\_03-28-19*, Ord. #1223, Feb. 2018 *Ch4\_03-28-19*, and Ord. #1331, Oct. 2022 *Ch5\_04-27-23*)

**8-111. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred (300) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the front door on the building from which beer will be manufactured, stored or sold to the front door of the hospital, school, church or other place of public gathering unless a specific waiver is granted by the beer board after a full hearing. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1995, unless beer is not sold, distributed or manufactured at that location during any continuous twelve-month period after January 1, 1995. (1999 Code, § 8-112)

**8-112. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1999 Code, § 8-113)

**8-113. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer. This prohibition shall not apply to any establishment with a beer permit that engages in the restaurant business or bowling alley business. Nothing herein shall be interpreted as a prohibition of employing a minor in the restaurant business or the bowling alley business.

(2) Make or allow any sale, service, delivery or dispensing of beer between the hours of 2:00 A.M. and 6:00 A.M. on Monday through Saturday and between the hours of 2:00 A.M. and 10:00 A.M. on Sundays. This prohibition shall not apply to any establishment which has a liquor by the drink license issued by the Tennessee Alcoholic Beverage Commission. Any establishment having a liquor by the drink license shall be allowed to sell beer during the same

hours it is authorized to sell liquor by the drink as established by the Tennessee Alcoholic Beverage Commission.

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

(4) Allow any person under twenty-one (21) years of age to loiter in or about his place of business. This prohibition shall not apply to any establishment involved in the restaurant business or bowling alley business.

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

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

(7) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1999 Code, § 8-114, as amended by Ord. #942, June 2001, Ord. #1027, Sept. 2007, Ord. #1077, June 2011, and Ord. #1121, Nov. 2013)

**8-114. Revocation of beer permits.** (1) The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter or state law. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board or by the district attorney.

(2) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years. (1999 Code, § 8-115, as amended by Ord. #1027, Sept. 2007)

**8-115. Civil penalty in lieu of revocation or suspension.**

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage

Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred and dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand and 00/100 dollars (\$1,000.00) for any other offense.

(3) The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand and 00/100 dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

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

(5) Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1999 Code, § 8-116, modified, as amended by Ord. #Ord. #1027, Sept. 2007)

**8-216. Loss of clerk's certification for sale.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #1027, Sept. 2007)



## CHAPTER 2

### ALCOHOLIC BEVERAGES OTHER THAN BEER<sup>1</sup>

#### SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Application for certificate.
- 8-203. Applicant to agree to comply with laws.
- 8-204. Applicant to appear before board of mayor and commissioners; duty to give information.
- 8-205. Action on application.
- 8-206. Deleted.
- 8-207. Applicants for certificate who have criminal record.
- 8-208. Only one establishment to be operated by retailer.
- 8-209. Where establishments may be located.
- 8-210. Retail stores to be on ground floor; entrances.
- 8-211. Limitation on number of retailers.
- 8-212. Sales for consumption on premises.
- 8-213. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-214. Inspection fee.
- 8-215. Violations.

**8-201. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of the City of Lawrenceburg except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #1021, June 2007)

**8-202. Application for certificate.**<sup>2</sup> Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any commissioner<sup>3</sup>, an application in writing

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<sup>1</sup>State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 57-3-208.

<sup>3</sup>State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be  
(continued...)

shall be filed with the city administrator on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years of residence in the City of Lawrenceburg and Lawrence County, Tennessee.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation. If the applicant is an LLC, they shall list the name, age and address of the members, their degree of ownership. All parties shall also list the place of residence and length of residence of all partners, owners, stockholders and members.

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

Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars (\$250.00) per person associated with the applicant. (as added by Ord. #1021, June 2007)

**8-203. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages. (as added by Ord. #1021, June 2007)

**8-204. Application to appear before board of mayor and commissioners; duty to give information.** An applicant for a certificate of compliance may be required to appear in person before the board of mayor and

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<sup>3</sup>(...continued)

signed by the mayor or a majority of the governing body.

commissioners for such reasonable examination as may be desired by the board. (as added by Ord. #1021, June 2007)

**8-205. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the Board of Mayor and Council within thirty (30) days of the date each application was filed.

The Board of Mayor and Council may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the Board of Mayor and Council. (as added by Ord. #1021, June 2007, and amended by Ord. #1091, March 2012)

**8-206. [Deleted.]** (as added by Ord. #1021, June 2007, and deleted by Ord. #1117, Sept. 2013)

**8-207. Applicants for certificate of compliance who have criminal record.** No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, corporation, LLC or other entity, any partner, any stockholder, officer or member, who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or convicted of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #1021, June 2007)

**8-208. Only one establishment to be operated to retailer.** No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #1021, June 2007)

**8-209. Where establishments may be located.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose, but in no event shall any establishment be located within three hundred (300) feet of a hospital, church or school, or any other place of public gathering, measured in a straight line from the front door on the building from which alcoholic beverage will be manufactured, stored or sold to the front door of the hospital, school, church or other place of public gathering. (as added by Ord. #1021, June 2007)

**8-210. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #1021, June 2007)

**8-211. Limitation on number of retailers to be licensed.** Within the corporate limits of the City of Lawrenceburg there shall be a limit on the number of retailers licensed to sell alcoholic beverages other than beer under the provisions of this chapter. That limit shall be one (1) retailer for every three thousand four hundred (3,400) inhabitants of the City of Lawrenceburg according to the latest federal census, whether regular or special. No person, firm or corporation shall be licensed under this chapter or permitted by the City of Lawrenceburg to engage in the sale or distribution of alcoholic beverages other than beer in excess of one licensee for every three thousand four hundred (3,400) inhabitants of Lawrenceburg according to the last federal census, whether regular or special. When the number of licenses issued under this chapter for retail dealers in alcoholic beverages other than beer within the corporate limits of the City of Lawrenceburg equals one for every three thousand four hundred (3,400) inhabitants of said city according to the last federal census, whether special or regular, all other applications for a license to engage in the retail sale of alcoholic beverages within the limits of said city shall be opposed by the City of Lawrenceburg before the alcoholic beverage commission, unless or until some person, firm or corporation holding such a valid license discontinues the operation of a retail liquor establishment in the City of Lawrenceburg.

Based upon the most recent census in the City of Lawrenceburg, the City of Lawrenceburg has more than ten thousand (10,000) residents but less than thirteen thousand six hundred (13,600) residents. Accordingly, the issuance of licenses based upon the above population limits, there shall be no more than three (3) retail licenses issued for the sale of alcoholic beverages other than beer within the city limits of the City of Lawrenceburg until a regular or special census shows the City of Lawrenceburg's population at thirteen thousand six hundred (13,600) or more. (as added by Ord. #1021, June 2007, amended by Ord. #1023, July 2007, and Ord. #1091, March 2012, and replaced by Ord. #1095, May 2012 *Ch4\_03-28-19*)

**8-212. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the retail establishment. (as added by Ord. #1021, June 2007)

**8-213. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #1021, June 2007)

**8-214. Inspection fee.** The City of Lawrenceburg hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #1021, June 2007)

**8-215. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #1021, June 2007)

## CHAPTER 3

### INTOXICATING LIQUORS

#### SECTION

- 8-301. Definition of alcoholic beverages.
- 8-302. Consumption of alcoholic beverages on premises.
- 8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-304. Annual privilege tax to be paid to the city administrator.
- 8-305. Concurrent sales of liquor by the drink and beer.
- 8-306. Advertisement of alcoholic beverages.

**8-301. Definition of alcoholic beverages.** As used in this chapter, unless the context indicates otherwise: alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #1075, June 2011)

**8-302. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of the City of Lawrenceburg, Tennessee. It is the intent of the board of mayor and council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Lawrenceburg, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #1075, June 2011)

**8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Lawrenceburg General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Lawrenceburg alcoholic beverages for consumption on the premises where sold. The privilege tax amount shall be as follows:

- |     |                                 |            |
|-----|---------------------------------|------------|
| (1) | Private club                    | \$ 300.00  |
| (2) | Convention center               | \$ 500.00  |
| (3) | Premier type tourist resort     | \$1,500.00 |
| (4) | Historic performing arts center | \$ 300.00  |
| (5) | Urban park center               | \$ 500.00  |

(6)	Commercial passenger boat company	\$ 750.00
(7)	Historic mansion house site	\$ 300.00
(8)	Historic interpretive center	\$ 300.00
(9)	Community theater	\$ 300.00
(10)	Zoological institution	\$ 300.00
(11)	Museum	\$ 300.00
(12)	Establishment in a terminal building of a commercial air carrier airport	\$1,000.00
(13)	Commercial airline travel club	\$ 500.00
(14)	Public aquarium	\$ 300.00
(15)	Motor speedway	\$1,000.00
(16)	Sports facility	\$1,000.00
(17)	Theater	\$ 300.00
(18)	Restaurant, according to seating capacity, on licensed premises:	
	(a) 75 – 125 seats	\$ 600.00
	(b) 126 – 175 seats	\$ 750.00
	(c) 176 – 225 seats	\$ 800.00
	(d) 226 – 275 seats	\$ 900.00
	(e) 276 seats and more	\$1,000.00
	Wine-only restaurant, according to seating capacity on licensed premises:	
	(a) 40 – 125 seats	\$ 120.00
	(b) 126 – 175 seats	\$ 150.00
	(c) 176 – 225 seats	\$ 160.00
	(d) 226 – 275 seats	\$ 180.00
	(e) 226 seats and more	\$ 200.00
(19)	Caterers	\$ 500.00
(20)	Hotels, according to room capacity, on licensed premises:	
	(a) 0 – 99 rooms	\$1,000.00
	(b) 100 – 399 rooms	\$1,000.00
	(c) 400 rooms and over	\$1,000.00

(as added by Ord. #1075, June 2011)

**8-304. Annual privilege tax to be paid to the city administrator.**

Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Lawrenceburg shall remit annually to the city administrator the appropriate tax described in § 8-303. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make

payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #1075, June 2011)

**8-305. Concurrent sales of liquor by the drink and beer.** Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Lawrenceburg, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of the ordinances of the City of Lawrenceburg, qualify to receive a beer permit from the city, upon the application and approval for a beer permit from the beer board. (as added by Ord. #1075, June 2011)

**8-306. Advertisement of alcoholic beverages.** All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #1075, June 2011)



## TITLE 9

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

#### CHAPTER

1. TAXICABS.
2. CABLE TELEVISION.
3. SEXUALLY ORIENTED BUSINESSES.
4. GARAGE OR YARD SALES.

#### CHAPTER 1

#### TAXICABS

#### SECTION

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Application requirements.
- 9-104. Name displayed on taxicab.
- 9-105. Mechanical condition of vehicles.
- 9-106. Bond or liability policy required.
- 9-107. Permits are non-assignable.
- 9-108. License required for drivers.
- 9-109. Revocation of license.
- 9-110. Violation and penalty.

**9-101. Definitions.** (1) "Taxicab" as used in this chapter, means any and all vehicles carrying passengers for hire, except motor busses or motor coaches operated by bus lines over designated routes in and through said city.

(2) "Conducting a taxicab business" as used in this chapter shall be held to mean the use of one or more taxicabs within the corporate limits of the City of Lawrenceburg, Tennessee, by the owner thereof, for the purpose of carrying passengers for hire, either by driving the same himself or having the same driven by some other person, but not operated on a fixed route.

(3) "Person" and all personal pronouns used herein shall be held to apply to and include partnerships, firms, associations, corporations, as well as individuals, and to include male or female. (1999 Code, § 9-201)

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<sup>1</sup>Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

**9-102. Permit required.** It shall be unlawful for any person to drive, operate, keep for hire or pay within the limits of Lawrenceburg, Tennessee any taxicab without having first obtained a permit to operate a taxicab or to conduct a taxicab business, and to obtain same from the City Administrator of the City of Lawrenceburg, Tennessee; and without having obtained and paid for a license for operating or keeping for pay or hire, or both, and having same, in force and effect under the provisions of this chapter. Said license referred to here or at other places in this chapter means the privilege license or privilege tax fixed by the Board of Mayor and Council of the City of Lawrenceburg, Tennessee. (1999 Code, § 9-202, modified, and amended by Ord. #1091, March 2012)

**9-103. Application requirements.** Any person, firm, partnership, corporation or association, applying for license to operate a taxicab or conduct a taxicab business in the City of Lawrenceburg, Tennessee, shall make such application in writing under oath to the City Administrator of the City of Lawrenceburg, and shall state thereon the name of the applicant, the intended place of business and the number of taxicabs to be operated, with the makes motor numbers, state license plate numbers, and model of each. If the applicant is a corporation the names and addresses of the president and secretary thereof shall be given.

And no such license shall be issued unless and until the city administrator shall have issued a permit to the applicant giving him permission to operate a taxicab or conduct a taxicab business in the City of Lawrenceburg; and no such permit shall be issued or held by a person who is not a person of good moral character nor shall a permit be issued to any person who has been convicted of a felony, nor shall such permit be issued or held by any corporation if any official thereof shall be ineligible for a permit under the foregoing conditions.

The final decision as to granting or refusing such permit based on proof or lack of proof is to the foregoing qualifications shall be left entirely to the discretion and judgment of the city administrator of said city.

Such permits shall be substantially as follows:

" \_\_\_\_\_ " is granted permission to operate a taxicab or conduct a taxicab business in Lawrenceburg, Tennessee, provided he shall comply with all other provisions of this chapter.

This to be signed by the city administrator of the city. (1999 Code, § 9-203, modified)

**9-104. Name displayed on taxicab.** Each taxicab while in operation shall have the name of the licensee on it in such place and manner as to be readable at a distance of 30 feet. (1999 Code, § 9-204)

**9-105. Mechanical condition of vehicles.** No taxicab shall be operated unless it bears state license plated, and is equipped with proper

brakes, lights, tires, horn, muffler, rear vision mirror and windshield wiper in good condition. It shall be the duty of the chief of police or his designee to inspect or cause to be inspected every taxicab as often as may be necessary to see to the enforcement of the provisions of this section, but at least once a year upon permit renewal or application. (1999 Code, § 9-205, modified)

**9-106. Bond or liability policy required.** No taxicab shall be operated within the City of Lawrenceburg, Tennessee, unless it is covered by a bond or public liability policy of one hundred thousand dollars (\$100,000.00) for the injury or death of one (1) person or three hundred thousand dollars (\$300,000.00) for two (2) or more persons, and fifty thousand dollars (\$50,000.00) property damage resulting from any accident through or by reasons of the operation of such taxicab, and such policy or certificate of insurance shall be approved by the city administrator of said city and filed and left with the city administrator at the time license is requested. Said policies shall not be cancelled or surrendered except on written notice to the city administrator. Failure of any permittee or licensee to procure and file the policies of insurance as required by this section, shall immediately forfeit and make null and void such permit and license and all rights thereunder shall at once cease.

Upon the depositing of such insurance policy with the city administrator, the said city administrator shall, if satisfied that said policy complies in all respects with this chapter, issue receipt therefor showing therein the number of the policy; the name of the company, corporation or association by which issued; the make, color, style and the motor or manufacturers serial number of the vehicle or vehicles covered by such policy. Said receipt shall at all times be either posted or displayed in such vehicle so insured, or be in possession of the chauffeur or driver operating such vehicle so insured while on the streets, alleys, public square, boulevards or other public places and thoroughfares and places of the city, and when called for shall be exhibited by such chauffeur or driver to any officer of the city charged with the enforcement of laws and ordinances of the city and to any person injured or damaged or their agents. When a single policy is filed with the city administrator under this chapter, insuring or covering more than one vehicle, the city administrator shall issue a separate receipt as to each vehicle insured thereunder or covered thereby. (1999 Code, § 9-206, modified)

**9-107. Permits are non-assignable.** Any license or permit issued under the provisions of this chapter shall be non-assignable. (1999 Code, § 9-207, modified)

**9-108. License required for drivers.** No person shall be employed by a taxicab licensee or be permitted by the licensee to drive unless he shall have procured a chauffeur's license in compliance with the state laws; nor shall any

one be employed unless he has the qualifications as set out in § 9-103 hereof. (1999 Code, § 9-208)

**9-109. Revocation of license.** The city administrator upon recommendation of the police chief may revoke any licensee's permit to operate a taxicab or conduct a taxicab business in said city for repeated violation of the traffic laws or ordinances or of any ordinances regulating the conduct of drivers, including any provisions of this chapter. And such permit may be revoked at any time for cause, if the permittee's vehicle shall be used for immoral purposes or in aiding and abetting in immoral conduct or purposes or for a violation of any ordinance of the city or any state law.

It shall be unlawful for any person whose permit or license has been revoked to thereafter operate a taxicab or conduct a taxicab business within the City of Lawrenceburg, Tennessee. (1999 Code, § 9-209, modified)

**9-110. Violation and penalty.** Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction be fined not less than five dollars (\$5.00) for each offense, and not more than state authorized limit for each offense together with all costs. Each separate operation of a taxicab on any trip or part thereof, by any operator of such vehicle, without complying with the provisions of this chapter, shall be considered a separate offense, and be punishable as such. (1999 Code, § 9-210, modified)

## CHAPTER 2

### CABLE TELEVISION

#### SECTION

9-201. To be furnished under franchise.

**9-201. To be furnished under franchise.** Cable television service shall be furnished to the City of Lawrenceburg and its inhabitants under franchise as the Board of Mayor and Council shall grant. The rights, powers, duties and obligations of the City of Lawrenceburg and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup> (1999 Code, § 9-301, modified, and amended by Ord. #1091, March 2012)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #813 dated April 28, 1995 in the office of the city recorder.

## CHAPTER 3

### SEXUALLY ORIENTED BUSINESSES

#### SECTION

- 9-301. Purpose and intent.
- 9-302. Definitions.
- 9-303. Classification.
- 9-304. Permit and/or license required.
- 9-305. Issuance of permit and/or license.
- 9-306. Fees.
- 9-307. Inspection.
- 9-308. Expiration of permit and/or license.
- 9-309. Suspension.
- 9-310. Revocation.
- 9-311. Transfer of permit and/or license.
- 9-312. Location restrictions.
- 9-313. Non-conforming uses.
- 9-314. Additional regulations for adult motels.
- 9-315. Regulations pertaining to exhibition of sexually explicit films or videos.
- 9-316. Exterior portions of sexually oriented businesses.
- 9-317. Signage.
- 9-318. Persons younger than eighteen prohibited from entry; attendant required.
- 9-319. Exemptions.
- 9-320. Notices.
- 9-321. Violation.

**9-301. Purpose and intent.** It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City of Lawrenceburg, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Lawrenceburg. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. (1999 Code, § 9-401)

**9-302. Definitions.** Whenever used in this chapter, the following words or phrases shall have the meanings ascribed to them.

(1) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five 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" or "adult video store." An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, video cassettes, video reproductions or slides for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters, depicting, describing or relating to specified "sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material, for sale or rental to patrons therein.

(3) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- (d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(4) "Adult motel" means a hotel, motel or similar commercial establishment that:

- (a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) "Director" means the chief of police and such employee(s) of the police department as he may designate to perform the duties of the director under this chapter.

(8) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(10) "Establishment" means and includes 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 a sexually oriented business, to any sexually oriented business;

(c) The additions of any sexually oriented business to any other existing sexually oriented business; or

(d) The relocation of any sexually oriented business.

(11) "Licensed day-care center" means a facility licensed by the State of Tennessee, whether situated within the city or not; that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for profit or charges for the services it offers.

(12) "Permittee and/or licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

(13) "Nudity" or a "state of nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(14) "Person" means an individual, proprietorship, partnership, corporation, association, limited liability company, limited liability partnership, or other legal entity.

(15) "Semi-nude" means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or



female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(16) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(17) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(18) "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely and opaquely covered.

(19) "Specified sexual activities" means and includes any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

(20) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on December 15, 1995.

(21) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities that form 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 that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (1999 Code, § 9-402)

**9-303. Classification.** Sexually oriented businesses are classified as follows:

(1) Adult arcades;

- (2) Adult bookstores or adult video stores;
  - (3) Adult cabarets;
  - (4) Adult motels;
  - (5) Adult motion picture theaters;
  - (6) Adult theaters;
  - (7) Escort agencies;
  - (8) Nude model studios; and
  - (9) Sexual encounter centers.
- (1999 Code, § 9-403)

**9-304. Permit and/or license required.** (1) It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license, issued by the city recorder.

(2) An application for a permit and/or license must be made on a form provided by the City of Lawrenceburg. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accurate of plus or minus six inches.

(3) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department and building official.

(4) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for the permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the corporation must sign the application for a permit. and/or license as applicant.

(5) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

(6) Applications for a permit, whether original or renewal, must be made to the city recorder by the intended operator of the enterprise. Applications must be submitted by hand delivery to the office of the city recorder or the city recorder's designee during regular working hours. Application forms shall be supplied by the city recorder. The intended operator shall be required to give the following information on the application form:

(a)(i) The name, street address (and mailing address if different) and Tennessee driver's license number of the intended operator;

(ii) The name and street address (and mailing address if different) of the owner(s).

(b) The name under which the establishment is to be operated and a general description of the services to be provided;

- (c) The telephone number of the establishment;
  - (d) The address, and legal description of the tract of land on which the establishment is to be located;
  - (e) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the permit is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the permit is sought; and
  - (f) If the establishment is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the permit). If the expected start-up date is to be more than ten (10) days following the date of the issuance of the permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
- (7) The application shall be accompanied by the following:
- (a) Payment of the application fee in full;
  - (b) If the establishment is a Tennessee corporation, a certified copy of the charter, together with all amendments thereto;
  - (c) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
  - (d) If the establishment be a limited partnership formed under the laws of Tennessee, a certified copy of the certificate of limited partnership, together with all amendments thereto;
  - (e) If the establishment to a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
  - (f) If the establishment be a limited liability company, a certified copy of the certificate of limited liability company and the qualification documents, together with all amendments thereto;
  - (g) If the establishment is a limited liability partnership, a certified copy of the certificate of limited liability partnership and the qualification documents, together with all amendments thereto;
  - (h) If the establishment is a partnership, a certified copy of the partnership agreement, together with all amendments thereto;
  - (i) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;
  - (j) If the persons identified as the fee owner(s) of the tract of land in item (f) are not also the owners of the establishment, the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and

possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;

(k) Any of items (b) through (g), above shall not be required for a renewal application if the applicant states that the documents previously furnished the recorder with the original application or previous renewals thereof remain correct and current.

(8) The application shall contain a statement under oath that:

(a) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith to be true and correct; and

(b) The applicant has read the provisions of this chapter.

(9) A separate application and permit shall be required for each sexually oriented business. (1999 Code, § 9-404, modified)

**9-305. Issuance of permit and/or license.** (1) The recorder shall approve, based upon a recommendation from the director, the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

(a) An applicant is under eighteen (18) years of age.

(b) An applicant or an applicant's spouse is overdue in his payment to the City of Lawrenceburg of taxes, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

(c) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.

(d) An applicant is residing with a person who has been denied a permit and/or license by the city of operate a sexually oriented business within the preceding twelve (12) months.

(e) The premises to be used for the sexually oriented business have not been approved by the health department, fire department and building official as being in compliance with applicable laws and ordinances.

(f) The permit and/or license fee required by this chapter has not been paid.

(g) An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(2) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(3) The health department, fire department and building official shall complete their certification that the premises are in compliance or not in

compliance within twenty (20) days of receipt of the application by the recorder. The certification shall be promptly presented to the recorder.

(4) In the event that the recorder and/or director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within forty five (45) days of the receipt of its application by the recorder, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in order to make modifications necessary to comply with this chapter.

(5) An applicant may appeal the decision of the recorder regarding a denial to the Board of Mayor and Council by filing a written notice of appeal with the city administrator within fifteen (15) days after the applicant is given notice of the recorder's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The recorder may submit a memorandum in response to the memorandum filed by the applicant on appeal to the Board of Mayor and Council of the City of Lawrenceburg, Tennessee. After reviewing such memoranda, as well as the recorder's written decision, if any, and exhibits submitted to the recorder, the Board of Mayor and Council shall vote to either uphold or overrule the recorder's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the city administrator receives the notice of appeal. However, all parties shall be required to comply with the recorder's decision during the pendency of the appeal. (1999 Code, § 9-405, modified, and amended by Ord. #1091, March 2012)

**9-306. Fees.** The annual fee for a sexually oriented business permit and/or license is five hundred dollars (\$500.00). This fee is to be used to pay for the cost of the administration and enforcement of this chapter. (1999 Code, § 9-406)

**9-307. Inspection.** An applicant, or permittee and/or licensee shall permit representatives of the police department, health department, fire department, building department, or other city or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business. (1999 Code, § 9-407)

**9-308. Expiration of permit and/or license.** (1) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 9-305. Application for renewal should be made at least thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

(2) When the recorder denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If,

subsequent to denial, the recorder finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final. (1999 Code, § 9-408, modified)

**9-309. Suspension.** The recorder shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that permittee and/or licensee or an employee of a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this chapter;
- (2) Become impaired or intoxicated through the use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises. (1999 Code, § 9-409, modified)

**9-310. Revocation.** (1) The recorder shall revoke a permit and/or license if a cause of suspension in § 9-309 occurs and the permit and/or license has been suspended within the proceeding twelve (12) months.

(2) The recorder shall also revoke a permit and/or license if he determines that:

- (a) A permittee and/or licensee gave false or misleading information in the material submitted during the application process;
- (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
- (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
- (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
- (f) A permittee and/or licensee is delinquent in payment to the city or state for any taxes or fees past due;
- (g) The owner or operator of the permitted establishment knowingly allowed a person under eighteen (18) years of age to enter an establishment; or
- (h) That there was a change of owner or operator for which a transfer application was not timely filed.

(3) When the recorder revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date

revocation became effective. If, subsequent to revocation, the recorder finds that the basis for the revocation has been corrected or abated the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

(4) After denial of an application by the recorder and Board of Mayor and Council, or denial of a renewal of an application, or suspension or revocation of a permit and/or license by the recorder, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (1999 Code, § 9-410, modified, and amended by Ord. #1091, March 2012)

**9-311. Transfer of permit and/or license.** A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application. (1999 Code, § 9-411)

**9-312. Location restrictions.** Sexually oriented businesses shall be permitted in any district Zoned C-2, C-3 or C-4 provided that:

(1) The sexually oriented business may not be operated within 1,000 feet of:

- (a) A church, synagogue or regular place of religious worship;
- (b) A public or private elementary or secondary school;
- (c) A boundary of any residential zoned district;
- (d) A public park;
- (e) A licensed day-care center;
- (f) Another sexually oriented business;
- (g) The property line of a lot devoted to residential use;
- (h) Public library;
- (i) A business licensed to sell beer or alcoholic beverages; or
- (j) Funeral home.

(2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

(3) For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from and to the nearest lot lines of said premises. (1999 Code, § 9-412)

**9-313. Non-conforming uses.** (1) Any business lawfully operating on the effective date of this chapter that is in violation of the locational or structural configuration requirements of this chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or

voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.

(2) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked. (1999 Code, § 9-413)

**9-314. Additional regulations for adult motels.** (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(2) It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration. (1999 Code, § 9-414)

**9-315. Regulations pertaining to exhibition of sexually explicit films or videos.** (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be



permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The recorder may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the recorder or his designee.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

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

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

(g) No viewing room may be occupied by more than one person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons

are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

(i) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises. (1999 Code, § 9-415, modified)

**9-316. Exterior portions of sexually oriented businesses.**

(1) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(2) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.

(3) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(a) The establishment is a part of a commercial multi-unit center; and

(b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(4) Nothing in this chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business. (1999 Code, § 9-416)

**9-317. Signage.** (1) Notwithstanding any other city chapter, code, or regulation to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

(2) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

(a) Not contain any flashing lights;

(b) Be a flat plane, rectangular in shape;

(c) Not exceed seventy-five (75) square feet in area; and

(d) Not exceed ten (10) feet in height or ten (10) feet in length.

(3) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

(4) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color.

(5) Secondary signs shall have only one (1) display surface. Such display surface shall:

- (a) Be a flat plane, rectangular in shape;
- (b) Not exceed twenty (20) square feet in area;
- (c) Not exceed five (5) feet in height and four (4) feet in width;

and

- (d) Be affixed or attached to any wall or door of the enterprise.

(6) The provisions of item (a) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs. (1999 Code, § 9-417)

**9-318. Persons younger than eighteen prohibited from entry; attendant required.** (1) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

(2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

- (a) A valid operators, commercial operator's, or chauffeur's driver's license; or
- (b) A valid personal identification certificate issued by the State of Tennessee reflecting that such person is eighteen (18) years of age or older. (1999 Code, § 9-418)

**9-319. Exemptions.** It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (1999 Code, § 9-419)

**9-320. Notices.** (1) Any notice required or permitted to be given by the recorder or any other city office, division, department or other agency under this

chapter to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the recorder, or any notice of address change that has been received by the recorder. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the recorder or his designee shall cause it to be posted at the principal entrance to the establishment.

(2) Any notice required or permitted to be given to the recorder by any person under this chapter shall not be deemed given until and unless it is received in the office of the recorder.

(3) It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the recorder in writing of any change or residence or mailing address. (1999 Code, § 9-420, modified)

**9-321. Violation.** Any person who shall violate any provision of this chapter shall be guilty of an offense against the City of Lawrenceburg punishable by a fine not to exceed state authorized limits. Any person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or otherwise violates this chapter is subject to a suit for injunction. (1999 Code, § 9-421, modified)

## CHAPTER 4

### GARAGE OR YARD SALES

#### SECTION

9-401. Garage sales, yard sales, etc.

**9-401. Garage sales, yard sales, etc.** (1) "Garage sales, yard sales, etc." means the sale or trading of clothing, furniture, household items, food, dishes, antiques or similar goods or merchandise, other than in the normal course of business, or the sale or trading of such goods, as outlined in this definition, by a person not regularly engaged in such business. Such goods or merchandise do not need to be attended for a sale to be deemed to be in existence. The term "yard sale" shall include garage sales, estate sales, carport sales and similar types of sales or events.

(2) Location and manner of yard sale. Yard sales may be held on a lot or parcel of land upon which there is situated a house, apartment or other structure which is utilized primarily for residential purposes. Persons conducting sales held upon vacant lots or upon lots upon which there is situated a structure that is utilized primarily for any use, other than residential purposes must have the express written consent of the owner of the premises.

(3) Number and duration. Yard sales shall be allowed not more than four (4) times in any calendar year for any premises. No sale may run more than three (3) consecutive days. Property may only be displayed between the hours of 5:00 A.M. and 8:00 P.M.

(4) Display area. All displays of yard sale merchandise shall be limited to that portion of the yard area which is at least five feet (5') back from the property line on all sides, and at least ten feet (10') back from any curb or road edge. Displays inside garage and carport areas are permitted. All items must be removed from the yard sale display area at the end of each sale.

(5) Religious and charitable organizations. Religious and charitable organizations may conduct yard sales on the property of the organization or at other locations within the city with the expressed written consent of the owner of the premises where the yard sale is being conducted.

(6) Signage. Yard sale signs located off-premises from the sale should be free standing and shall not be placed on public utility poles, road signs, etc. Signs may be placed on private property with the permission of the property owner. All signage must be removed after the conclusion of the yard sale.

(7) Prohibited acts. No individual, firm, corporation or other partnership shall be permitted to engage in the business of promoting or conducting yard sales for others for a fee or other consideration.

No yard sale shall be held on premises other than the premises of at least one (1) of the persons conducting the yard sale except with the express written consent of the owner of the premises where the yard sale is being conducted.

(8) Enforcement. Any person violating any of the provisions of this chapter shall be guilty of an infraction and upon a first conviction thereof shall be punished by a fine. For second and third convictions, additional fines may be added. (as added by Ord. #1139, Sept. 2014)

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Violation and penalty.

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

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

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

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

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

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

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

**10-106. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and council. If the owner is known all reasonable effort will be made to locate and notify them. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in the local newspaper or local news media web site. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same may be adopted or humanely destroyed.

Any owner of any animal so impounded may redeem the same upon the payment of a service charge or fee of twenty-five (\$25.00) dollars plus ten dollars (\$10.00) per day for reasonable cost and expenses of maintenance of such animal.

Any owner of an animal determined to be "special needs" so impounded may redeem the same upon the payment of a service charge or fee of twenty-five dollars (\$25.00) plus a twenty dollar (\$20.00) per day fee during the period of impoundment. (as replaced by Ord. #1089, Feb. 2012)

**10-107. Violation and penalty.** Any violation of this section shall be subject to a fine not to exceed state authorized limits and costs for every act in violation of said section. Each day the violation shall continue shall constitute a separate offense. (as replaced by Ord. #1089, Feb. 2012)



## CHAPTER 2

### DOGS AND CATS

#### 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. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Violation and penalty.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-115) or other applicable law.

**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.

**10-203. Running at large prohibited.**<sup>1</sup> 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.

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

**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 provide reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code.

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

**10-207. Seizure and disposition of dogs.** (1) Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and council. If the dog is wearing a rabies tag or other identification all reasonable effort will be made to locate and notify the owners who shall be required to appear within five (5) days and redeem their dog by paying the pound fee of twenty-five dollars (\$25.00) plus ten dollars (\$10.00) per day during the period of impoundment or the dog will be adopted, or humanely destroyed. If the dog is not wearing a tag it may be adopted or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless such dog has been vaccinated or arrangements have been made for said vaccination within seventy-two (72) hours of release with tag evidencing such vaccination.

If owner cannot provide proof of vaccination the owner may provide a deposit in the amount of twenty-five dollars (\$25.00) to ensure the dog will be vaccinated for rabies within seventy-two (72) hours of release from the dog pound. Upon proper proof of the rabies vaccination the deposit shall be refunded to the owner. Should owner not provide proof of vaccination within the seventy-two (72) hour period a citation may be issued against said owner to appear in city court and shall require the animal be adopted or destroyed.

Any owner of any dog so impounded may redeem the same from the dog pound upon the payment of a service charge or fee of twenty-five dollars (\$25.00) plus ten dollars (\$10.00) per day for reasonable cost and expenses of maintenance of such dog.

Any owner of a dog determined to be "special needs" so impounded may redeem the same from the dog pound upon the payment of a service charge or fee of twenty-five dollars (\$25.00) plus a twenty dollar (\$20.00) per day fee during the period of impoundment.

The City of Lawrenceburg offers the voluntary surrender of dogs for Lawrenceburg residents (proof of address required) to the Lawrenceburg Dog Pound, for the purpose of adoption, or humane disposal of such dogs at the cost of twenty-five dollars (\$25.00) for one (1) dog, forty-five dollars (\$45.00) for two to three (2 - 3) dogs and sixty dollars (\$60.00) for four (4) or more dogs. Dogs

will be accepted on a case by case basis; certain restrictions apply. This section does not relieve owners of humane responsibilities.

(2) Disposition of dogs through adoption. (a) No person shall adopt a dog from the City of Lawrenceburg Dog Pound unless:

- (i) Dog has already been spayed or neutered;
- (ii) The dog has been spayed or neutered by a licensed veterinarian while in the custody of the agency; or
- (iii) The new owner signs a written agreement with the agency (requiring a twenty-five dollar (\$25.00) deposit) stating that the new owner will have the dog spayed or neutered by a licensed veterinarian:

(A) Within thirty (30) days of the date of the adoption, if such dog is sexually mature; or

(B) Within thirty (30) days after the dog reaches six (6) months of age, if the dog is not sexually mature at the time of the adoption.

(C) The new owner may request and shall receive a refund of the deposit from the dog pound upon providing confirmation of the spaying or neutering.

(b) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog at the discretion of a licensed veterinarian with the consent of the new owner.

(c) Adopter shall provide a deposit in the amount of twenty-five dollars (\$25.00) to ensure the animal will be vaccinated for rabies within seventy-two (72) hours of release from the pound. Upon proper proof of the rabies vaccination the deposit shall be refunded to the owner. Should owner not provide proof of vaccination within the seventy-two (72) hour period a citation in a court of competent jurisdiction seeking compliance shall be issued and shall require the animal be returned or destroyed. (as replaced by Ord. #1089, Feb. 2012)

**10-208. Destruction of vicious or infected dogs running at large.**

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.<sup>1</sup>

**10-209. Violation and penalty.** Any violation of this chapter shall be subject to a fine not to exceed state authorized limits and costs for every act in

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<sup>1</sup>State law reference

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

violation of said chapter. Each day the violation shall continue shall constitute a separate offense. (as replaced by Ord. #1089, Feb. 2012)

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. LOITERING, ETC.

#### CHAPTER 1

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

#### SECTION

11-101. Drinking beer or liquor on streets or public places.

**11-101. Drinking beer or liquor on streets or public places.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a permit and license for on premises consumption of such beverage. Any person violating this section shall be guilty of a misdemeanor which shall be punishable by a fine of not more than state authorized limits and costs of each offense. (1999 Code, § 11-101, modified)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

## CHAPTER 2

### **FORTUNE TELLING, ETC.**

#### **SECTION**

11-201. Fortune telling, carnivals, etc.

**11-201. Fortune telling, carnivals, etc.** It shall be unlawful for any person, firm, corporation, partnership, association or any other organization to set up any street fair, carnival, circus, skating rink, fortune tellers' or palmistry establishment, or any other similar enterprise within the City of Lawrenceburg, Tennessee, and offer to the public such amusement or entertainment common to street fairs, carnivals, circuses, skating rinks, fortune telling and palmistry, or similar amusements without first obtaining from said City of Lawrenceburg, through the city administrator, a permit for such operation within the city limits.

Any violation of this section shall be subject to a fine not to exceed state authorized limits and costs for every act in violation of said section. (1999 Code, § 11-201, modified)

## CHAPTER 3

### **OFFENSES AGAINST THE PEACE AND QUIET**

#### **SECTION**

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violation and penalty.

**11-301. Disturbing the peace.** It shall be unlawful for any person or persons, corporation or corporations, on any individually, or privately or publicly-owned premises, or on the public square, or any public street, alley or public thoroughfare, or at any other place within the corporate limits of the City of Lawrenceburg, as the same now extend or may hereafter be extended, or in any buildings or structures at or on any of such places, or within the police jurisdiction of said City of Lawrenceburg extending for a distance of not more than one (1) mile beyond said corporate limits, to make, or continue, or cause to be made or continued, any loud, unusual, disturbing and/or unnecessary noise or noises, which either annoy, disturb, interfere with, injure or endanger, on the days and during the hours hereinafter provided, the comfort, repose, health, peace or safety of other persons within said City of Lawrenceburg. (1999 Code, § 11-301)

**11-302. Anti-noise regulations.** (1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, unusual, disturbing and/or unnecessary noise or noises and the commission of any one or more of such acts, shall be deemed prima facie, subject however to rebuttal, in violation of the provisions of this section however, the following enumeration shall not be deemed to be exclusive, namely:

(a) Horns, signalling devices, etc. The sounding of any horn, or signalling device on any automobile, motorcycle, bicycle, street car, motor bus or motor truck or other vehicle, except as a danger signal or warning; the creation by means of any such horn or signalling device of any unreasonably loud or harsh sound; the sounding of such horn or signalling device for an unnecessary and unreasonable period of time, which unnecessary and unreasonable period of time is hereby declared to be any period in excess of two (2) minutes; the use and sounding of any horn, whistle or other device operated by engine exhaust, or the use of any horn, whistle or signalling device when traffic is, for any reason, held up; and the use of any signalling device except one operated by hand, electricity or compressed air.

(b) Radio, phonograph, television, etc. The playing, using or operating, or permitting or causing to be played, used or operated, any radio, radio receiving set, television set, musical instrument, phonograph,

or other machine or device for the producing, or reproducing, of sound, in such manner as to disturb the peace, quiet, comfort and tranquillity of the neighboring inhabitants, or at any time with more or louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, machine or device between the hours 11:00 P.M., and 7:00 A.M., in such manner as to be plainly audible at a distance of fifty feet (50') from the building, structure, vehicle or place in which it is located and operated shall be prima facie evidence of a violation of this subsection.

(c) Loudspeakers, amplifiers for advertising, etc. The playing, using or operating, or permitting or causing to be played, used or operated any radio, radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other instrument, machine or device for the producing or reproducing of sound which is cast upon the public square, or any public street or alley, for the purpose of commercial advertising or attracting the attention of the public to any business establishment, building or structure.

(d) Sound trucks, loudspeakers, and amplifiers, etc. The use or operation, or permitting or causing to be used and operated, any so-called sound trucks, whether the machine or device for the producing or reproducing of sound be attached to and used as a part of any automobile, motor truck or other motor vehicle, or any loudspeakers, sound amplifier, or other machine or device for producing or reproducing of sound, between the hours of 8:00 P.M. and 8:00 A.M., on week days, and between the hours of 8:00 P.M. on Saturday and 8:00 A.M. on the following Monday, for the purpose of advertising any sale of property at auction, advertising any political speaking, or advertising any athletic contest or game, provided, that the machine so being used and operated shall at the time thereof when such use or operation is permitted, shall be moving.

(e) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, singing, applauding or hand-clapping, on the public square, the public streets or thoroughfares, particularly between the hours of 11:00 P.M. and 7:00 A.M., and at any time at any other place, so as to annoy, or interfere with or disturb the quiet, comfort, tranquillity or repose of any persons in any office or public building, or in any dwelling, hotel, motel, or other type of residence, or of any persons in the vicinity.

(f) Animals, birds, etc. The owning, keeping and/or harboring of any dog or dogs which by loud and frequent barking, whining, howling or other unusual noises, annoy or disturb the peace and quiet of any neighborhood, family or person. And the keeping of cats and any other animals or birds or fowls, which by causing frequent or continued noise



shall disturb the comfort, peace and quiet, and repose of any persons in the vicinity.

(g) Horses, mules, donkeys, cattle and hogs. The braying of horses, stallions, mules, donkeys and jacks, and other noises made by any of such animals, the bellowing of cattle and squealing of hogs, and other noises made by such animals, whether confined to stock-barns, pens, or other enclosures.

(h) Steam, compressed air or electrical whistles. The blowing of steam whistle, compressed air whistle, electrical whistle, or other whistle, on any locomotive or engine pulling or pushing any train, except as a danger warning, and except as required under the statutory precautions under statutes of the General Assembly, and also any similar whistle attached to any stationary boiler or other machinery 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 officials. Also, the continuous blowing of any of such horns.

(i) Exhausts. The discharge into the open air of the exhaust of any steam engine, any stationary or moving internal combustion engine, or any engine powering a motor boat, or any kind of motor vehicle, including motorcycles and motors attached to bicycles, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(j) Cut-outs and racing of motors. Loud or explosive noises from any motor vehicle being operated with a cut-out on the exhaust being open, or with rusted or otherwise damaged exhausts and/or mufflers. Also any loud or explosive noises from any motor vehicle being operated with the engine thereof being "raced."

(k) Defects in vehicles or loads. The creation of loud, disturbing and/or unnecessary grating, grinding, rattling or other noises in or by the use of any automobile, motorcycle, motorbike, other motor vehicle or other vehicle, out of proper repair, improperly equipped to prevent such noises, or improperly or defectively loaded.

(l) Loading, unloading. Loud, disturbing and/or excessive noises created in or by the loading or unloading of any vehicle, or freight car, or trailer, or the opening and/or destruction of bales, boxes, crates and containers, except that freight cars may be loaded between the hours of 7:00 A.M. and 6:00 P.M.

(m) Construction or repairing of buildings. The creation of loud, disturbing and/or excessive noises in the course of or by reason of the erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 A.M. and 6:00 P.M., on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official (building inspector) or in his absence from the chief of police, which

permit may be granted for a period not to exceed three (3) days while the emergency continues, and which permit may be renewed for periods of three (3) days or less while the emergency continues. But if the building official (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., on weekdays, and at all hours on Sundays, and if he shall further determine that loss or inconvenience would result to any party in interest, 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 progress of the work.

(n) Schools, courts, churches, hospitals. The creation of loud, unnecessary or excessive noise on any street adjacent to any school, institution of learning, church or building in which any court may be held, while the same are in use, or adjacent to any hospital or clinic, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital or clinic, provided, conspicuous signs are displayed in such streets indicating that same is a school or hospital zone, or is a court street.

(o) Hawkers, peddlers. Loud, continuous and/or excessive shouting and crying of peddlers, crying or advertising the sale of their products.

(p) Drums. The use of any drum or similar instrument or device to attract attention by creation of noise to any performance, show or sale.

(q) Bands. The use of bands or other similar instruments or devices between the hours of 11:00 P.M. and 8:00 A.M., to advertise any athletic contest, or to provide musical entertainment at any such athletic contest.

(r) Ambulances, fire engines, patrol cars, etc. Continuous and/or excessive or unnecessary sounding of sirens on any ambulance, fire engine or fire-fighting equipment, or on any motor vehicle used by a fireman in going to the fire hall or to a fire in answer to a call to fight a fire, or on any motor vehicle used by a member of the state highway patrol, the sheriff's patrol, any constable, or any member of the police department of the city, except when used in an emergency or answering a call for such vehicle, or returning to a hospital, clinic or doctor's office with a patient.

(s) Metal rails, pillars, and columns of iron, and transportation thereof. The transportation of rails, pillars or columns of iron, steel or other materials, or concrete or clay pipes, and masonry and building products, including cement, mortar mix, lime, brick, concrete blocks, lumber, logs, etc., over and along streets and other public ways and places, upon carts, drays, cars, trucks or in any other vehicles, or in any

other manner so loaded as to cause loud, disturbing and unnecessary noises, or so as to disturb the peace, quiet, comfort and tranquillity of such public streets and other public places, and the citizens of said municipality.

(t) Pile drivers, hammers, etc. The creation of loud and unusual noise between the hours of 10:00 P.M. and 7:00 A.M. on weekdays and all hours on Sundays, from the use and operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric noise, or any dirt-moving or stone-moving machinery, or other like appliances or machinery, unless under an emergency situation involving city or utility crews.

(u) Blowers. Any noise created by the operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise from such blower or fan due to explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine or machine is equipped with a muffler device sufficient to deaden such noise.

(v) Auto repairs in residential districts. Any excessive or disturbing noise resulting from the repair of automobiles or other motor vehicles in any district zoned for residential use under the zoning ordinance, except in emergencies, and any such repairs being carried on in such residential district as a business or for remuneration shall be unlawful under this chapter. (1999 Code, § 11-302, modified)

**11-303. Violation and penalty.** Any violation of any provision of this chapter is declared to be a misdemeanor, and the offender, upon conviction, shall be fined not more than state authorized limits and costs for each offense. (1999 Code, § 11-304, modified)

**CHAPTER 4****INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-401. False emergency alarms.

**11-401. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. Anyone found guilty of violating this section shall be fined no more than the state authorized limit and costs. (1999 Code, § 11-402, modified)

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

11-501. Throwing missiles.

**11-501. Throwing missiles.** Whosoever shall throw rocks, bricks, bats, or other missiles so as to endanger the life, limb, or property of any person or persons or endangering public property within this corporation shall be guilty of a misdemeanor and upon conviction shall be fined no more than state authorized limits. (1999 Code, § 11-501, modified)

**CHAPTER 6****TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC****SECTION**

11-601. Interference with traffic.

**11-601. Interference with traffic.** It shall be unlawful for any person to willfully obstruct, or to impede or interfere with any traffic or travel, either pedestrian or by vehicle, on any public street, public alley, public square or other public way in the City of Lawrenceburg, Tennessee, or block or obstruct the use of any private entrance or private driveway into any lot or real estate upon which is located any residential structure, any business structure or any industrial structure, by placing upon such public street or public way any materials of any kind, or for such person or persons to willfully stand in such public or private way, or walk along or across any such public or private way as to obstruct or impede such traffic or travel thereon; provided, that no person shall be amenable to provisions of this section by reason of obstructing any street, alley, public way or public square with materials for building or repairing buildings or grounds attached to same, if such public street, alley, public way is not obstructed an unreasonable time, and if not more than one-half of the passway shall be obstructed at any one time.

Any person or persons violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 11-603, modified)

## CHAPTER 7

### MISCELLANEOUS

#### SECTION

- 11-701. Objects on the public square.
- 11-702. Signs.
- 11-703. Posting notices, etc.
- 11-704. Disfiguring or destroying buildings prohibited.
- 11-705. Cellars or openings.
- 11-706. Public preaching, teaching, or advertising medicine.
- 11-707. Refrigerators, iceboxes, etc.

**11-701. Objects on the public square.** It shall be unlawful and is hereby declared to be a misdemeanor for any person to place any object, instrument, apparatus, device, implement or contrivance, or to keep or undertake to keep or maintain such object, instrument, apparatus, device, implement or contrivance upon or in the public square, streets, boulevards, grassplots, alleys and sidewalks of the City of Lawrenceburg, Tennessee, such as any instrument or object of any kind on which any advertisement may be written or printed, or used in displaying any advertisement, including those ordinarily called "taxi signs", "ice cream signs" or objects so advertising, and including all objects, instruments, devices, apparatus, implements or contrivances whatsoever, whether advertising anything or not, which blocks or partially blocks, interferes with or impedes traffic or travel, or interferes with the parking of motor vehicles.

A city sanctioned fair/event is excepted herefrom.

Garbage cans or containers are excepted herefrom for sanitary reasons.

Any person violating this section, upon conviction shall be fined not more than state authorized limits together with costs for each offense. (1999 Code, § 11-702, modified)

**11-702. Signs.** It shall be unlawful for any person or persons to injure or destroy any mile-stone or mile-post, or guide board, street sign, caution sign, or any lights, streetlights, or lamps, or to erect any false sign-boards or caution signs, within the corporate limits of the City of Lawrenceburg, in Lawrence County, Tennessee.

Any person or persons violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than state authorized limits and costs for each offense. (1999 Code, § 11-703, modified)

**11-703. Posting notices, etc.** (1) It is hereby declared to be unlawful for any person to, or for any person, persons, firm, partnership, group of persons,

or corporation, to procure, hire, secure or persuade any person to tack, nail or otherwise place any poster, advertisement, circular, or paper or cardboard of any kind, or any object whatever, on any pole on the public square, public streets, alleys or public thoroughfare in the City of Lawrenceburg, Tennessee, or to drive tacks or nails or other objects into any pole at such places, or to in any way injure or deface any pole at such places.

(2) The placing of any materials or equipment for use in the construction, maintenance, repair or operation of the respective systems of the electric or power system of the city, the telephone system, community antenna system or cable T.V. system, is not and shall not be a violation of the provisions of subsection (1) of this section.

(3) In any warrant issued by a police officer for alleged violation of the provisions of this section, it shall not be necessary or required that the warrant charge the ownership or use of such poles, and upon the trial of the offender it shall only be necessary that the prosecutor, i.e., the City of Lawrenceburg, show that the pole was a pole used for either of the purposes set out in subsection (2) of this section and on the public square, public street, alley or public thoroughfare in the City of Lawrenceburg.

(4) Any violation of any provision or provisions of this section shall be a misdemeanor, and upon conviction, the offender, whether a person, persons, firm, partnership, group of persons or corporation, shall be fined not more than state authorized limits, for each offense, together with costs, and also together with actual costs or expenses of removing such posters, advertisements, circulars, paper or cardboard, or other object so placed on any pole in violation of this section; and the tacking, nailing or otherwise placing any such poster, advertisement, circular, paper or cardboard or other object on, or driving tacks or nails or other objects into, or injuring or defacing, each and anyone of such poles shall be and constitute a separate offense and punishable as such.

(5) The police chief, code enforcement officer or his designee, has the authority to remove, or cause to be removed, from any such pole or poles any posters, advertisements, circulars, papers or cardboards or other objects, so tacked, nailed or otherwise placed upon any such pole apparently in violation of this section. (1999 Code, § 11-705, modified)

**11-704. Disfiguring or destroying buildings prohibited.** It shall be unlawful and is hereby declared to be a misdemeanor for any person to wantonly injure, deface, disfigure, or destroy any building or fixture attached thereto, or the enclosures thereof, belonging to the City of Lawrenceburg, Tennessee, or to any person, firm, partnership, association or corporation, at any place within the corporate limits of said city.

Any violation of this section is declared to be a misdemeanor, and any person found guilty of such violation shall be fined not more than state authorized limits together with all costs for each violation. (1999 Code, § 11-706, modified)



**11-705. Cellars or openings.** It shall be unlawful for owners, renters or agents of any lot or part of lot in this corporation to cause to be or permit to remain open or uncovered so as to endanger the life or limb of any person, any cellar or the doorway or opening to the same opening on, connecting with, or adjacent to any public street, sidewalk, or alley. And every person so offending shall be guilty of a misdemeanor and upon conviction shall be fined not more than state authorized limits with all costs. (1999 Code, § 11-708, modified)

**11-706. Public preaching, teaching, or advertising medicine.**

(1) It is hereby declared to be unlawful and a misdemeanor for any person to preach, or teach or sing or undertake to preach or teach anything, or to sing, publicly upon the public square, streets, boulevards or alleys of the City of Lawrenceburg, Tennessee, at any place thereon where congestion of or blocking of traffic may result therefrom.

(2) It is hereby declared to be unlawful and a misdemeanor for any person to advertise or undertake to advertise any medicine or alleged medicine or any article whatever on the public square, streets, boulevards and alleys of Lawrenceburg, Tennessee, publicly and by outcry or to play any musical instrument for the purpose of bringing persons to hear and see such advertisements, or cause a crowd to assemble on such public square, streets, boulevards and alleys where congestion of or blocking of traffic may result therefrom.

(3) Any person violating any provision of this section shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 11-709, modified)

**11-707. Refrigerators, iceboxes, etc.** (1) It shall be unlawful for any person, persons, firm, co-partnership, association or corporation, or any agent, employee, servant or representative of any of same, to store, pile, stock-pile or place in or on any unenclosed portion of any building or structure, or upon any portion of any lot or premises not occupied by a building or structure, or to discard, throw away or dump, at any place, within the corporate bounds of the City of Lawrenceburg, Tennessee, any used refrigerator, icebox, or any other appliance customarily used for cooking, washing and/or drying clothes, or for storage of foods and/or other articles, without having first removed therefrom the door or doors thereto.

(2) It shall also be unlawful for any person, firm, co-partnership, association or corporation, occupying and/or having charge or control of any building or structure or lot or premises within the corporate bounds of the City of Lawrenceburg, Tennessee, to permit the storage, piling, stock-piling or placing in or on the unenclosed portion of any such building or structure, or upon any portion of any lot or premises not occupied by a building or structure, any used refrigerator or icebox, or any other appliance as mentioned and defined

in subsection (1) above, from which the door or doors have not first been removed.

(3) The police chief and/or any policeman of the City of Lawrenceburg upon observing, or having received a report of, any such used refrigerator or icebox or other appliance, as mentioned in subsection (1) above, being stored, piled, stock-piled or placed on or in any unenclosed portion of a building or structure or upon any portion of any lot or premises not occupied by a building or structure, has the authority to enter upon the premises to examine such refrigerator, icebox or other appliance to determine if the door or doors thereto have been removed; and if the door or doors of such used refrigerator, icebox or other appliance have not been removed, the person, firm, co-partnership, association or corporation occupying and/or having charge or control of such unenclosed portion of such building or structure or of the lot or premises, shall, prima facie, be deemed to have permitted the storage, piling stock-piling or placing of such used refrigerator, icebox or other appliance thereon.

(4) The violation of any of the provisions of this section are declared to be a misdemeanor, punishable by a fine, not to exceed state authorized limits and costs for each offense. (1999 Code, § 11-710, modified)

## CHAPTER 8

### LOITERING, ETC.

#### SECTION

11-801. Loitering.

11-802. Curfew for minors.

**11-801. Loitering.** It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander or idle in, upon, or about any way or place customarily open to public use.

Any person violating this section, shall be guilty of a misdemeanor, which shall be punishable by a fine not to exceed state authorized limits and costs of each offense. (1999 Code, § 11-801, modified)

**11-802. Curfew for minors.** (1) It shall be unlawful for a minor under eighteen (18) years of age to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place within the corporate limits of the City of Lawrenceburg, Tennessee, between the hours of 12:00 o'clock midnight and 5:00 A.M., official time, provided however, that this section shall not apply to any child accompanied by his or her parent, guardian, or other adult person having the care and custody of said minor.

(2) When any child is in violation of this section, the apprehending officer shall act in one of the following ways:

(a) If a first violation, and if in the opinion of the officer such action shall be effective, take the child to his or her home and warn and counsel with the parents or guardians.

(b) Issue a summons to the child and/or parents or guardians to appear at the Juvenile Court.

(c) Bring the child into the custody of the Juvenile Court for disposition.

(3) With the exception of the provisions contained in (1) hereof, no parent, guardian, or other person having the care and custody of a child who has not reached his eighteenth birthday shall knowingly permit such child to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in said city, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time.

(4) A minor or any parent, guardian, or other person having the care and custody of a minor violating the provisions of this section is guilty of a misdemeanor and shall be fined no more than state authorized limits for each

offense; each violation of the provisions of this section shall constitute a separate offense.

(5) The Judge of the Juvenile Court shall be vested with power to hear all cases coming within the provisions of this section. (1999 Code, § 11-802, modified)

**TITLE 12****BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. INTERNATIONAL FUEL GAS CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. PROPERTY MAINTENANCE CODE.
7. MECHANICAL CODE.
8. EXISTING BUILDINGS CODE.
9. RESIDENTIAL (ONE AND TWO FAMILY DWELLINGS) CODE.
10. FIRE CODES.
11. ASSOCIATED CODES AND STANDARDS.

**CHAPTER 1****BUILDING CODE<sup>1</sup>****SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in city administrator's office.
- 12-104. Violations.

**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<sup>2</sup>, 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

by reference as a part of this code, and is hereinafter referred to as the building code. (1999 Code, § 12-101, as amended by Ord. #955, July 2002, Ord. #991, April 2005, Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-102. Modifications.** (1) Definitions. When reference is made to the duties of a certain official named herein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the building code is adopted.

(3) Any matters in the building code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only.

(4) Repeal all requirements of sprinklers in 1 and 2 family dwellings. (1999 Code, § 12-102, as amended by Ord. #955, July 2002, and Ord. #1141, Aug. 2014)

**12-103. Available in city administrator's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the city administrator's office and shall be kept there for the use and inspection of the public. (1999 Code, § 12-103, modified)

**12-104. Violations.** It shall be a civil offense for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation. (1999 Code, § 12-104, modified)

## CHAPTER 2

### PLUMBING CODE<sup>1</sup>

#### SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in city administrator's office.
- 12-204. Violations.

**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 city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,<sup>2</sup> 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1999 Code, § 12-201, as amended by Ord. #955, July 2002, Ord. #991, April 2005, Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-202. Modifications.** (1) Definitions. When reference is made to the duties of a certain official named herein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned.

(2) Permit fees. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted.

(3) Any matters in the plumbing code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only.

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

(4) Amend IPC 2903.3 from 40 psi to 20 psi. (1999 Code, § 12-202, as amended by Ord. #955, July 2002, and Ord. #1141, Aug. 2014)

**12-203. Available in city administrator'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 city administrator's office and shall be kept there for the use and inspection of the public. (1999 Code, § 12-203, modified)

**12-204. Violations.** It shall be a civil offense for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in violation. (1999 Code, § 12-204, modified)



## CHAPTER 3

### INTERNATIONAL FUEL GAS CODE<sup>1</sup>

#### SECTION

12-301. International Fuel Gas Code adopted.

12-302. Modifications.

12-303. Violations and penalties.

12-304. Nonliability.

**12-301. International Fuel Gas Code adopted.** The International Fuel Gas Code,<sup>2</sup> 2012 edition, is hereby adopted by reference as though it was copied herein fully. (Ord. #955, July 2012, as amended by Ord. #991, April 2005, Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-302. Modifications.** Any matters in the gas code which are contrary to existing ordinances of the City of Lawrenceburg, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #955, July 2002)

**12-303. Violations and penalties.** It shall be a civil offense for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation. (1999 Code, § 12-411, modified)

**12-304. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1999 Code, § 12-412)

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 3.

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

## CHAPTER 4

### RESIDENTIAL CODE

#### SECTION

12-401. Residential code adopted.

12-402. Modifications.

12-403--12-404. [Deleted.]

**12-401. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the International Residential Code,<sup>1</sup> 2012 edition, is hereby adopted and incorporated by reference as a part of this code. (1999 Code, § 12-501, as amended by Ord. #955, July 2002, and replaced by Ord. #1141, Aug. 2014)

**12-402. Modifications.** Repeal all requirements of sprinklers in 1 and 2 family dwellings. (1999 Code, § 12-502, as amended by Ord. #955, July 2002, and replaced by Ord. #1141, Aug. 2014)

**12-403. [Deleted.]** (1999 Code, § 12-503, as deleted by Ord. #1141, Aug. 2014)

**12-404. [Deleted.]** (1999 Code, § 12-504, as deleted by Ord. #1141, Aug. 2014)

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

## CHAPTER 5

### ENERGY CONSERVATION CODE<sup>1</sup>

#### SECTION

- 12-501. Energy code adopted.
- 12-502. Modifications.
- 12-503. Available in city administrator's office.
- 12-504. Violations and penalty.

**12-501. Energy 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 buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code<sup>2</sup> 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. (1999 Code, § 12-601, as amended by Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-502. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Lawrenceburg. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city administrator shall have appointed or designated to administer and enforce the provisions of the energy code. (1999 Code, § 12-602, modified)

**12-503. Available in city administrator's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

energy code has been placed on file in the city administrator's office and shall be kept there for the use and inspection of the public. (1999 Code, § 12-603, modified)

**12-504. Violations and penalty.** It shall be a civil offense 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 punishable by a penalty of no more than state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in violation. (1999 Code, § 12-604, modified)

## CHAPTER 6

### **PROPERTY MAINTENANCE CODE**

#### **SECTION**

12-601. Property maintenance code adopted.

12-602--12-604. [Deleted.]

**12-601. Property maintenance code adopted.** Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 the International Property Maintenance Code,<sup>1</sup> 2012 edition is hereby adopted and incorporated by reference as a part of this code. (1999 Code, § 12-701, as amended by Ord. #991 April 2005, and Ord. #1063, April 2010, and replaced by Ord. #1141, Aug. 2014)

**12-602--12-604. [Deleted.]** (1999 Code, §§ 12-702--12-704, as deleted by Ord. #1141, Aug. 2014)

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

## CHAPTER 7

### MECHANICAL CODE<sup>1</sup>

#### SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in city administrator's office.
- 12-704. Violations.

**12-701. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516 and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code<sup>2</sup>, 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (1999 Code, § 12-801, as amended by Ord. #955, July 2002, Ord. #991 April 2005, Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-702. Modifications.** (1) When reference is made to the duties of a certain official named herein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned.

(2) Any matters in the mechanical code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1999 Code, § 12-802, as amended by Ord. #955, July 2002)

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<sup>1</sup>Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

**12-703. Available in city administrator's office.** Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the mechanical code has been placed on file in the city administrator's office and shall be kept there for the use and inspection of the public. (1999 Code, § 12-802, modified)

**12-704. Violations.** It shall be a civil offense for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than the state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation. (1999 Code, § 12-804, modified)

## CHAPTER 8

### EXISTING BUILDINGS CODE<sup>1</sup>

#### SECTION

- 12-801. Existing buildings code adopted.
- 12-802. Modifications.
- 12-803. Available in city administrator's office.
- 12-804. Violations.

**12-801. Existing buildings 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 Buildings Code<sup>2</sup> 2012 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 standard existing buildings code. (1999 Code, § 12-901, as amended by Ord. #955, July 2002, Ord. #991, April 2005, Ord. #1063, April 2010, and Ord. #1141, Aug. 2014)

**12-802. Modifications.** (1) When reference is made to the duties of a certain official named herein, that designated official of the City of Lawrenceburg, County of Lawrence, Tennessee who has duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned.

(2) Any matters in the existing buildings code which are contrary to existing ordinances of the City of Lawrenceburg, County of Lawrence, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1999 Code, § 12-902, as amended by Ord. #955, July 2002)

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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



**12-803. Available in city administrator's office.** Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502, one (1) copy of the standard existing buildings code shall be placed on file in the office of the city administrator and the same shall be kept there for the use and inspection of the public. (1999 Code, § 12-903)

**12-804. Violations.** 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 city and for which punishment shall be a fine of not more than state authorized limits for each such violation. Each day that a violation 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 city by any person, firm or corporation found to be in such violation. (1999 Code, § 12-904, modified)

## CHAPTER 9

### RESIDENTIAL (ONE AND TWO FAMILY DWELLINGS) CODE

#### SECTION

- 12-901. Residential code adopted.
- 12-902. Modifications.
- 12-903. Available in city administrator's office.
- 12-904. Violations.

**12-901. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the fabrication, erection, construction, enlargement, alterations, repair, location, and use of detached one and two family dwellings and their appurtenances and accessory structures, the International Residential Code,<sup>1</sup> (one and two family dwellings) 2018 edition, including Appendix Q, 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 dwelling code. (1999 Code, § 12-1001, as amended by Ord. #991, April 2005, Ord. #1063, April 2010, Ord. #1141, Aug. 2014, and Ord. #1310, May 2021 *Ch5\_04-27-23*)

**12-902. Modifications.** (1) Whenever the words "building official" are used in the dwelling code, they shall refer to the person designated by the city administrator to enforce the dwelling code. Section R-106 of the dwelling code is hereby deleted.

(2) Exceptions:

1. Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).
2. Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.
3. Figure R301.2 (2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
4. Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read: Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs

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

do not result in the removal of interior walls or ceiling finishes exposing the structure.

5. Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.
6. Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
7. Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018. (1999 Code, § 12-1002, modified, as amended by Ord. #991, April 2005, Ord. #1063, April 2010, Ord. #1141, Aug. 2014, Ord. #1204, July 2017 *Ch4\_03-28-19*, and Ord. #1310, May 2021 *Ch5\_04-27-23*)

**12-903. Available in city administrator's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the dwelling code has been placed on file in the city administrator's office and shall be kept there for the use and inspection of the public. (1999 Code, § 12-1003, modified)

**12-904. Violations.** It shall be a civil offense for any person to violate or fail to comply with any provision of the one and two family dwelling code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than the state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation. (1999 Code, § 12-1004, modified)

**CHAPTER 10****FIRE CODES****SECTION**

12-1001. Fire codes adopted.

12-1002. Modifications.

12-1003--12-1004. [Deleted.]

**12-1001. Fire codes adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the International Fire Code (NFPA 1), 2012 edition, and the Life Safety Code (NFPA 101), 2012 edition, are hereby adopted and incorporated by reference as a part of this code. (1999 Code, § 12-1101, as replaced by Ord. #1141, Aug. 2014)

**12-1002. Modifications.** Removing all sprinkler requirements for one and two family dwellings. (1999 Code, § 12-1102, as replaced by Ord. #1141, Aug. 2014)

**12-1003--12-1004. [Deleted.]** (1999 Code, §§ 12-1103--12-1104, as deleted by Ord. #1141, Aug. 2014)

## CHAPTER 11

### ASSOCIATED CODES AND STANDARDS<sup>1</sup>

#### SECTION

- 12-1101. Associated codes and standards adopted.
- 12-1102. Modifications.
- 12-1103. Available in city administrator's office.
- 12-1104. Violations and penalty.

**12-1101. Associated codes and standards adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the Associated Codes and Standards,<sup>2</sup> 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the associated codes and standards. (as added by Ord. #991, April 2005, amended by Ord. #1063, April 2010, and replaced by Ord. #1141, Aug. 2014)

**12-1102. Modifications.** Definitions. Whenever the associated codes and standards refer to the "chief appointing authority," "authority having jurisdiction," or the "chief administrator," it shall be deemed to be a reference to the city administrator. When the "building official," "sound control official," "housing official," or "administrative authority," is named it shall, for the purposes of the associated codes and standards, mean such person as the city administrator has appointed or designated to administer and enforce the provisions of the associated codes and standards. (as added by Ord. #1141, Aug. 2014)

**12-1103. Available in city administrator's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the associated codes and standards has been placed on file in the city administrator's office and shall be kept there for the use and inspection of the public. (as added by Ord. #1141, Aug. 2014)

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

**12-1104. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the associated codes and standards as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty not to exceed state authorized limits for each offense. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation. (as added by Ord. #1141, Aug. 2014)

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. POOL REGULATIONS.
3. MINIMUM PROPERTY MAINTENANCE PROCEDURES.
4. SLUM CLEARANCE.
5. JUNKED MOTOR VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health and sanitation nuisances.  
 13-102. Overgrown and dirty lots.  
 13-103. Restriction of indoor furniture outdoors.

**13-101. Health and sanitation nuisances.** The following are hereby declared to be public nuisances, unlawful and dangerous to the health and welfare of the public:

(1) Every pool, pond, privy, privy vault, cow pen, pig pen, horse lot, stable, chicken house or other lot, house or enclosure within the city limits which becomes filthy, offensive or acts as a breeding place of disease or disease-carrying pests, such as flies, mosquitoes etc.

(2) Every house or structure of any kind which has fallen into decay, or into heaps and piles.

(3) Every lot, premise, enclosure or other place, on which filth, tin cans, garbage, slops, manure, human excreta, dead fowls, dead animals, or other foul matter is thrown and allowed to accumulate so as to become offensive or spread disease, or endanger the health of the inhabitants of any part of the City of Lawrenceburg.

Where any such nuisance or any other public nuisance is brought to the attention of the city building official, he shall give the owner of said property, if the owner is known and in the City of Lawrenceburg, if not, then to the occupant of the property, notice to abate such nuisance within a stipulated

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-104.

Toilet facilities in beer places: § 8-114(9).

period not exceeding fourteen (14) days from the service of such notice and if the same be not begun within said time and completed as rapidly as possible, then the city building official, shall have said nuisance abated and report the cost of same to the city attorney, who shall institute an action against the owner of the property in the name and for the use of the City of Lawrenceburg to recover same in some court having jurisdiction thereof.

Anyone violating any of the provisions of §§ 13-101 and 13-102 shall be guilty of a misdemeanor, and shall be fined not more than state authorized limits for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1999 Code, § 13-102, modified)

**13-102. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The Board of Mayor and Council shall designate an appropriate department and the city administrator shall designate appropriate personnel to enforce the provisions of this section.

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

(a) A brief statement that the owner is in violation of § 13-102 of the Lawrenceburg Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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



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

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

(5) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the designated department or personnel shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Lawrence County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, the costs may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of zoning appeals. The appeal shall be filed with the building official within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the building official under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (1999 Code, § 13-104, modified, and amended by Ord. #1091, March 2012)

**13-103. Restriction of indoor furniture outdoors.** (1) Outdoor furniture restriction. (a) No person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in any outside areas located in the following places:

(i) In portion of the property's yard, or  
 (b) On any covered or uncovered porch located in or adjacent to any of the yard.

(i) The interior of any fully enclosed porch (including, without limitation, a porch enclosed by screening material) that cannot be accessed from outside except through a door that can be locked shall not be considered an outside area for the purpose of this section.

(ii) Placement of upholstered furniture on balconies or porches located on the second floor, or any floor above the second floor, of a building is not precluded by the provisions of this section.

(2) Specific defenses to any alleged violation of this provision:

(a) That such furniture was placed in an outside location in order to allow it to be moved during a move of a resident or residents or removed as part of a trash or recycling program on a day scheduled for such moving or removal.

(b) That such furniture was located in a yard and was placed in such a manner that it could not be seen from ground level by a person located on a public right of way (excluding public alleys) and that it was not visible by such a person unless that person took extraordinary steps such as climbing a ladder or peering over a screening fence in order to achieve a point of vantage.

(c) That such furniture was temporarily placed in an outside location in order that it be offered for sale at a yard or garage sale if each of the following conditions exist:

(i) The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale.

(ii) A sign is placed on or near the furniture indicating that it is for sale and is in compliance of all ordinances related to yard sales.

(3) Penalty for violation. Any person violating this ordinance shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this ordinance. Each day the violation of this ordinance continues shall constitute a separate violation. (as added by Ord. #1269, May 2019 *Ch5\_04-27-23*)

## CHAPTER 2

### POOL REGULATIONS

#### SECTION

- 13-201. Title.
- 13-202. Fencing requirements.
- 13-203. Gates and doors.
- 13-204. Modifications of regulations.
- 13-205. Pool defined.
- 13-206. Penalty.

**13-201. Title.** This chapter shall be known as the "Family Pool Ordinance" of the City of Lawrenceburg, Tennessee. (1999 Code, § 13-201)

**13-202. Fencing requirements.** Every outdoor family swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure.

This requirement shall be applicable to all new family pools constructed after August 5, 1976, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a family swimming pool having a minimum depth of eighteen (18) inches shall fail to provide and maintain such fence or wall as herein provided. (1999 Code, § 13-202)

**13-203. Gates and doors.** All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of enclosure need not be so equipped. (1999 Code, § 13-203)

**13-204. Modifications of regulations.** The planning and development department may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates, or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The planning and development department shall allow a reasonable period within which to comply with the requirements of this section. (1999 Code, § 13-204, modified)

**13-205. Pool defined.** "Family pool" is a swimming pool used or intended to be used solely by the owner, operator, or lessee thereof and his family and by friends invited to use it without payment of any fee; and is considered a body of water in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, but is not to include swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, community associations, or private clubs. (1999 Code, § 13-205)

**13-206. Penalty.** It is hereby declared a misdemeanor for any person to own, operate, or lease a family pool that does not comply with the above sections of this chapter; and every person guilty of such misdemeanor shall on conviction be fined not more than state authorized limits with each day constituting a separate offense. (1999 Code, § 13-206, modified)

## CHAPTER 3

### MINIMUM PROPERTY MAINTENANCE PROCEDURES

#### SECTION

- 13-301. International property maintenance code adopted.
- 13-302. Modifications.
- 13-303. Violations.

**13-301. International property maintenance code adopted.** The International Property Maintenance Code,<sup>1</sup> 2012 edition, is hereby adopted by reference as though it was copied herein fully. (Ord. #955, July 2002, as amended by Ord. #1141, Aug. 2014)

**13-302. Modifications.** Any matters in the international property maintenance code which are contrary to existing ordinances of the City of Lawrenceburg, Tennessee shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #955, July 2002)

**13-303. Violations.** It shall be a civil offense for any person to violate or fail to comply with any provision of the international property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of no more than the state authorized limits and costs. Each day a violation is allowed to continue shall constitute 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 city by any person, firm or corporation found to be in such violation.

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<sup>1</sup>Municipal code reference  
International Property Maintenance Code: title 12, chapter 6.

## CHAPTER 4

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

#### SECTION

- 13-401. Findings of building official.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When building official may repair, etc.
- 13-407. When building official may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of building official.
- 13-413. Powers conferred are supplemental.

**13-401. Findings of building official.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the building official of the City of Lawrenceburg finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1999 Code, § 13-401, modified)

**13-402. Definitions.** (1) "Municipality" shall mean the City of Lawrenceburg, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the Board of Mayor and Council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1999 Code, § 13-402, modified, and amended by Ord. #1091, March 2012)

**13-403. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (1999 Code, § 13-403, modified)

**13-404. Initiation of proceedings; hearings.** Whenever a petition is filed with the building official by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the building official (on his own motion) that any structure is unfit for human occupation or use, the building official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the zoning board of appeals (or its designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (1999 Code, § 13-404, modified)

**13-405. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the building official determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1999 Code, § 13-405, modified)

**13-406. When building official may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the building official may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the building official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1999 Code, § 13-406, modified)

**13-407. When building official may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the building official may cause such structure to be removed and demolished. (1999 Code, § 13-407, modified)

**13-408. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building official shall, upon the filing of the notice with the office of the register of deeds of Lawrence County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the City of Lawrenceburg as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the building official, he shall sell the materials of such structure if in his individual judgment a sale of the materials is practical or feasible and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Lawrence County by the building official, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lawrenceburg to define and



declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1999 Code, § 13-408, modified)

**13-409. Basis for a finding of unfitness.** The building official defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lawrenceburg; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (1999 Code, § 13-409, modified)

**13-410. Service of complaints or orders.** Complaints or orders issued by the building official pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Lawrence County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1999 Code, § 13-410, modified)

**13-411. Enjoining enforcement of order.** Any person affected by an order issued by the building official served pursuant to this chapter may file a suit in chancery court for an injunction restraining the building official from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the building official pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building official, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the building official shall be entitled to recover any damages for action taken pursuant to any order of the building official, or because of noncompliance by such person with any order of the building official. (1999 Code, § 13-411, modified)

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

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

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

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

(4) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1999 Code, § 13-412, modified)

**13-413. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1999 Code, § 13-413)

## CHAPTER 5

### JUNKED MOTOR VEHICLES

#### SECTION

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Enforcement.
- 13-505. Penalty for violation.

**13-501. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall the indicated meanings:

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

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

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

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

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

(h) General environment in which the vehicle sits including, but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (as added by Ord. #1210, Aug. 2017 ***Ch4\_03-28-19***)

**15-502. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

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

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

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days. (as added by Ord. #1210, Aug. 2017 ***Ch4\_03-28-19***)

**13-503. Exceptions.** It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

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

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

(3) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #1210, Aug. 2017 ***Ch4\_03-28-19***)

**13-504. Enforcement.** Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violators of this ordinance on private property.

(1) The building inspector shall upon the complaint of any citizen, or acting on his/her own initiative, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he/she shall issue an ordinance summons.

(2) The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear answer the charges against him or them.

(3) If the offender refuses to sign the agreement to appear, the building inspector may:

(a) Request the city judge to issue a summons, or

(b) Request a police officer to witness the violation. The police officer who witnessed the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et. seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (as added by Ord. #1210, Aug. 2017 ***Ch4\_03-28-19***)

**13-505. Penalty for violation.** Any person violating this ordinance shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this ordinance. Each day the violation of this ordinance continues shall constitute a separate violation. (as added by Ord. #1210, Aug. 2017 ***Ch4\_03-28-19***)

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

1. REGIONAL MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.
4. GRADING OPERATIONS.

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

- 14-101. Membership.
- 14-102. Organization, rules, staff and finances.
- 14-103. Powers and duties.

**14-101. Membership.** The said Lawrenceburg Municipal Planning Commission shall consist of not less than five (5) and not more than nine (9) members. One (1) of the members of said municipal planning commission shall be the mayor of the municipality or a person designated by the mayor. One (1) of the members of the planning commission shall be a member of the board of council selected by the board of council. All other members of the planning commission shall be appointed by the mayor. All members of the municipal planning commission shall serve with or without compensation as prescribed by the board of mayor and council. One (1) member of the planning commission will serve on the board of zoning appeals with compensation for said board.

The terms of the appointed member shall be for a period of three (3) years except and shall begin with passage of this ordinance with the reorganization of the board. The first two (2) members' terms will expire on June 30, 2021; up to three (3) members' terms to expire June 30, 2022; and up to three (3) members' terms to expire June 30, 2023. All subsequent appointed members' terms shall be for a three (3) year period beginning with the expired term of previous members. Planning commission members may succeed themselves. As the terms of such appointed member as aforesaid expire, the mayor may appoint successors, who may be the same person, to serve for a period of three (3) years. The terms of the mayor or the mayor's designee, and the one (1) council member selected by the Board of Mayor and Council of the City of Lawrenceburg shall run concurrently with their terms of office on the board of council of said city. The mayor shall have the power to fill the unexpired term of any vacancy on said membership of the planning commission, and the mayor shall have the power to remove any appointed member at his pleasure. The

mayor shall have the power to appoint members to the planning commission at will and does not require the approval of the city council with exception of the member of the council that shall serve on the planning commission.

#### LAWRENCEBURG MUNICIPAL REGIONAL PLANNING COMMISSION MEMBERSHIP

Randy Shook -- Term to expire June 30, 2021

Pam Harris -- Term to expire June 30, 2021

Clint Evers -- Term to expire June 30, 2022

Louis Brink -- Term to expire June 30, 2022

Lonnie Bailey -- Term to expire June 30, 2022

Justin Holt -- Term to expire June 30, 2023

John Ferguson -- Term to expire June 30, 2023

Lyndon Smith -- Term to expire June 30, 2023

Council Member Sevier -- Term to expire June, 30, 2021 or end of elected term. (1999 Code, § 14-101, modified, as amended by Ord. #1091, March 2012, and replaced by Ord. #1287, May 2020 ***Ch5\_04-27-23***)

**14-102. Organization, rules, staff and finances.** The regional municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, shall be within the amounts appropriated for the purpose by the Board of Mayor and Council of the City of Lawrenceburg, Tennessee. (1999 Code, § 14-102, modified, and amended by Ord. #1091, March 2012)

**14-103. Powers and duties.** From and after the time when the regional municipal planning commission shall have organized and selected its officers, together with the adoption of its rules or procedure, then said commission shall have all the powers, duties and responsibilities as set forth in Pub. Acts 1935, ch. 34, ch. 44 and ch. 45 or other acts relating to the duties and powers of regional municipal planning commissions adopted subsequent hereto. (1999 Code, § 14-103, modified)

## CHAPTER 2

### ZONING ORDINANCE

#### SECTION

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Lawrenceburg shall be governed by Ordinance #789, titled "Zoning Ordinance, Lawrenceburg, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #789, and any amendments thereto, are published as Appendix 1, Volume II of this code. Refer to APP-1 Table of Contents for specific provisions relating to zoning.



## CHAPTER 3

### MUNICIPAL FLOODPLAIN ZONING ORDINANCE

#### SECTION

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

**14-301. Statutory authorization, findings of fact, purpose and objective.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Lawrenceburg, Tennessee Mayor and Board of Council, does ordain as follows:

(2) Findings of fact. (a) The Lawrenceburg Mayor and its Legislative Body wishes to maintain eligibility in the national flood insurance program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 C.F.R. ch. 1 (10-1-04 edition).

(b) Areas of Lawrenceburg 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; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

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

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

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

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

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

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

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

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

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

(d) To minimize prolonged business interruptions;

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

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

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

(h) To maintain eligibility for participation in the national flood insurance program. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

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

(1) "Accessory structure" 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 U.S.C. 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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

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

(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 indeterminate, 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 equalled 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" 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, excavating, drilling operations, or permanent storage of equipment or materials.

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

(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 landmasses. This peril is not per se covered under the program.

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

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

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

(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 of 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) 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 areas of special flood hazard have been designated as Zone A.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and 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 "flood" or "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 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 floodplain 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 a designated height.

(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 term 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, adjacent 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 U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

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

(d) Individually listed on a local inventory of historic places and determined as eligible by 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.

(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 a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(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," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

(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 the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which Base Flood Elevations (BFEs) 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" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and 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 after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

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

(51) "100-year flood." See "base flood."

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

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

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

(54) "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.

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

(56) "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.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a



basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the national flood insurance program for the state.

(59) "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.

(60) "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.

(61) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

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

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

(62) "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.

(63) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

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

(65) "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 floodplains of riverine areas. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

**14-303. General provisions.** 1. Application. This ordinance shall apply to all areas within the incorporated area of Lawrenceburg, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Lawrenceburg, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47099C0145C, 47099C0163C, 47099C0164C, 47099C0165C, 47099C0168C, 47099C0170C, 47099C0235C, 47099C0251C, 47099C0252C, 47099C0253C, 47099C0256C, 47099C0265C, dated January 2, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

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

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

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

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lawrenceburg, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

**14-304. Administration.** (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

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

- (a) Application stage.
  - (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFEs are available, or to the highest adjacent grade when applicable under this ordinance.
  - (ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-304(2).

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

(b) Construction stage. Within unnumbered A Zones, where flood elevation data are not available, the administrator 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 relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential 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 administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

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

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

(b) 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 Amendments of 1972, 33 U.S.C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning

Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

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

(f) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(g) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-304(2).

(h) 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 administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(i) When base flood elevation data or floodway data have not been provided by the federal emergency management agency then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this ordinance.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-302 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2).

(j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

**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 to existing buildings 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 to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

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

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

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

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

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of § 14-305(2).

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-302 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-302 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2).

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 design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood

elevation, or required height above the highest adjacent grade, 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 the finish 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 elevated 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 ordinance.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

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

(C) In new or substantially improved manufactured home parks or subdivisions.

Must meet all the requirements of new construction, including elevations and anchoring.

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

(A) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or

(B) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers



(or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 14-305(2)(d) of this ordinance.

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

(v) All recreational vehicles placed on identified flood hazard 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. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

(C) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

(e) Standards for subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, 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:

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) 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.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity

of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-305.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations 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 designated (Zones 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).

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

(a) When base flood elevation data or floodway data have not been provided in accordance with § 14-303, then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood

elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-305. Only if data is not available from these sources, then the following provisions (b) and (c) shall apply:

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by 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.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 14-305(2) and "elevated building."

(6) 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 and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-305(2) and "elevated building."

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is

specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in § 14-304(2).

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

(d) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-303 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-304 and 14-305(1) shall apply.

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

(a) 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, measured from the top of each stream bank, 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 new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-304. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

**14-306. Variance procedures.** The provisions of this section shall apply exclusively to areas of special flood hazard within Lawrenceburg, Tennessee.

(1) Board of zoning appeals. (a) The Lawrenceburg Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Variances may be issued for the repair or rehabilitation of historic structures (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 ordinance; 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 ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

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

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

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood 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 administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #664, May 1978, as amended by Ord. #1001, Feb. 2006, and replaced by Ord. #1045, Aug. 2008)

**14-307. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Lawrenceburg, Tennessee, the most restrictive shall in all cases apply.

(2) Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the Charter of Lawrenceburg, Tennessee, and the public welfare demanding it. (as added by Ord. #1045, Aug. 2008)

## CHAPTER 4

### GRADING OPERATIONS

#### SECTION

- 14-401. Establishment and purpose.
- 14-402. Definitions.
- 14-403. Scope.
- 14-404. Application.
- 14-405. Duration of permit.
- 14-406. Denial of permit.
- 14-407. Inspection of work.
- 14-408. Surety for permitted work in public rights-of-way, etc.
- 14-409. Permit fees.
- 14-410. Maintenance.
- 14-411. Sign prohibition.
- 14-412. Violations and penalties.

**14-401. Establishment and purpose.** There are established for the City of Lawrenceburg, Tennessee, the following regulations and requirements for permitting of grading operations:

1. This chapter shall be known and may be cited as "The Lawrenceburg Grading Ordinance."

2. The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor "yard improvement" measures. (Ord. #937, Aug. 2001)

**14-402. Definitions.** Wherever used in this chapter, the following words shall have the meaning indicated:

1. "Building permit" shall mean a permit issued by the codes director pursuant to the provisions of the Zoning Ordinance of Lawrenceburg, Tennessee, for the construction, correction, or alteration of a structure or building.

2. "Excavation" shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.

3. "Fill" shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.

4. "Existing grade" shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.

5. "Grading" shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

6. "Grading permit" shall mean any permit required under this chapter.

7. "Person" shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.

8. "Site" shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.

9. "Topsoil" is that upper portion or layer of naturally occurring terrain (2" - 10" deep) that is composed of mostly organic matter and has the ability to support vegetation.

10. "Stripping" shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation. (Ord. #937, Aug. 2001, modified)

**14-403. Scope.** 1. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this chapter, except that this chapter shall not apply to:

a. Operations involved in mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.

b. Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.

c. Construction which is the implementation of plans for development(s) duly reviewed and approved by the Lawrenceburg Regional Municipal Planning Commission.

d. Grading or excavation pursuant to a permit for excavation in public streets.

e. Grading in connection with a public improvement or public work for which inspection is provided by the city.

f. Grading or excavation by a public utility company in private easements or public rights-of-way.

g. An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this chapter to, nor the requirement of a grading permit for, any fill made with the material from such excavation.



h. Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act.<sup>1</sup>

i. The construction of a single residence or addition to an existing single family residence.

2. Permits will be required for any other grading operation not noted above and covered in one (1) or more of the following situations:

a. Topsoil stripping or sod removal having a single or combined area coverage on one site of 2500 square feet (equivalent 50' square).

b. Excavation or placement of fill material having a volume of 100 cubic yards or more on one site.

c. Areas of excavation or fill having a coverage of 1000 square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one (1) site.

d. An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.

e. A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.

f. An excavation or fill within a public sewer, water main, storm drain, or power line easement.

g. An excavation or fill which will encroach on or alter a natural drainage channel or water course.

3. No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the codes director.

4. A separate permit shall be required for each separate non-contiguous site. One permit may cover both an excavation and a fill on the same site made with excavated materials. (Ord. #937, Aug. 2001, modified)

**14-404. Application.** The permit application shall include but not necessarily be limited to the following:

1. **Basic information.** a. The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;

b. The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;

c. The street address at the point of access to the property where the work is to be performed;

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 43-26-103.

- d. The name and address of the owner of the property on which the work is to be performed;
  - e. A description of the equipment and methods to be used in performing the work;
  - f. The name of the firm that will haul excavated material to or from the property where the work is to be performed;
  - g. The name, address and phone number of the person to have effective control of the work;
  - h. The estimated dates for starting and completing the work to be done;
  - i. Report of a soils engineer if required by the codes director;
  - j. Such further applicable information as the codes director may require in order to carry out the purposes of this chapter.
2. Detailed information. a. A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the codes director;
- b. Such further engineering or soils data as may be required by the codes director to fully assess the scope and consequences of the proposed work.
3. Drainage considerations. a. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
- b. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the codes enforcement officer or his/her designee as a safe place to deposit and receive such waters;
- c. The codes officer or his/her designee may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters. (Ord. #937, Aug. 2001, modified)

**14-405. Duration of permit.** As stated in § 2-304(1)(i), the estimated time frame for this work will be submitted with the permit application. The codes enforcement officer or his/her designee will, at the time the permit is issued, set a completion schedule. If, due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, an extension of time may be granted by the codes officer or his/her designee. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated. (Ord. #937, Aug. 2001, modified)

**14-406. Denial of permit.** An application for work under the provisions of this chapter may be denied for any of the following reasons:

1. Insufficient or inadequate information submitted to determine scope of project;
2. Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc. (Ord. #937, Aug. 2001)

**14-407. Inspection of work.** Monitoring of the work will be accomplished by the codes director or his representative as follows:

1. Before project is commenced;
2. Upon completion of the project;
3. At any other time(s) the codes director may deem necessary. (Ord. #937, Aug. 2001)

**14-408. Surety for permitted work in public rights-of-way, etc.** Public performance bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights-of-way or private property easements. The form and amount of bond will be set by the codes director at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work, or when the permit expires. (Ord. #937, Aug. 2001, modified)

**14-409. Permit fees.** Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

1. Area coverage of less than 2500 square feet or less than 100 cubic yards of material (minimum fee) -- \$10.00.
2. Area coverage of more than 2500 square feet and more than 100 cubic yards of material -- \$25.00.
3. Holding escrow agreements and/or bonds -- \$10.00 each. (Ord. #937, Aug. 2001)

**14-410. Maintenance.** The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

1. The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
2. The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;

3. Upon completion, the project must be left and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.

4. Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights of way. (Ord. #937, Aug. 2001)

**14-411. Sign prohibition.** It shall be construed to be a violation of this chapter to solicit public or "at large" dumping of materials on any site by placement of "Dump Dirt and Rock Only," "Dump Here" or any other similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this chapter. (Ord. #937, Aug. 2001, modified)

**14-412. Violations and penalties.** No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this chapter. When written notice of a violation of any of the provisions of this chapter has been served by the codes director on any person, such violation shall be discontinued immediately. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the superintendent of streets shall be subject to a penalty of not more than state authorized limits for each offense and each day such violation continues shall be deemed to be a separate offense. (Ord. #937, Aug. 2001, modified)

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

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

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

- 15-101. Motor vehicle requirements.
- 15-102. Reckless driving.
- 15-103. Persons entering automobiles, etc., prohibited.
- 15-104. Driving through funerals or other processions.
- 15-105. Coasting on streets prohibited.
- 15-106. Vehicles and operators to be licensed.
- 15-107. Passing school bus, etc.
- 15-108. Passing.
- 15-109. Vehicles with trailers operated on streets.
- 15-110. Trucks operated on streets; regulations.
- 15-111. Compliance with financial responsibility law required.

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

15-112. Regulations for automotive repair, paint and body shops within the city limits.

15-113. No parking on West Taylor Street.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1999 Code, § 15-101)

**15-102. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1999 Code, § 15-102)

**15-103. Persons entering automobiles, etc., prohibited.** It shall be unlawful for any person to enter any car, automobile, motor truck, motor bus or any other vehicle, while parked within the corporate limits of the City of Lawrenceburg, Tennessee, or to sit on or stand on such car, motor truck, motor bus, automobile or other vehicle, or on any part of same, while it is so parked, without first having obtained permission from the owner thereof, or from one lawfully in charge and control of same. (1999 Code, § 15-103)

**15-104. Driving through funerals or other processions.** Funeral processions may move in a continuous procession through the streets and public square without the inconvenience of stopping at any stopping place or signal, by first notifying the chief of police of the time of such funeral procession and by placing a watcher who shall first be approved by the chief of police, at such street intersections or points where stops would otherwise be necessary, whose duty it shall be to fail to stop and give way for the passage of any such funeral procession, and it shall also be unlawful and a misdemeanor for any person or persons to drive or cause to be driven any vehicle of whatsoever nature, across or through any such funeral procession. (1999 Code, § 15-104, modified)

**15-105. Coasting on streets prohibited.** It shall be unlawful for any person to operate a motor vehicle with the gears in neutral. (1999 Code, § 15-105)

**15-106. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1999 Code, § 15-106)

**15-107. Passing school bus, etc.** (1) Any driver of a motor vehicle, automobile, motor truck, motorcycle or any vehicle powered by a petroleum derivative, in the vicinity of any public or private school in the City of Lawrenceburg, Tennessee, shall, and is hereby required to stop such vehicle not less than fifty feet (50') from any school bus parked in the vicinity of such school on a public street or thoroughfare, and is prohibited from passing any school bus so parked, whether such bus is loading or unloading pupils, or waiting for the school to be dismissed. The driver of such motor vehicle or other vehicle shall remain stopped until any and all such school buses have been driven away from the vicinity of such schools.

(2) Any driver of such motor vehicle or other vehicle mentioned in subsection (1) above, is prohibited from driving such vehicle over any curbing or sidewalk along and in the same block of the public street in which such school bus is parked, or across any privately owned property in the vicinity of such school, any such acts upon the part of such driver being hereby declared to be to avoid stopping such vehicle not less than fifty feet (50') from such parked school bus, and also with the intention of passing such parked school bus.

(3) Any driver of such motor vehicle and other vehicle on any public street in the vicinity of any public or private school in the City of Lawrenceburg where a member of the school patrol, or any policeman, of the police department of the City of Lawrenceburg is on duty, is required to comply with the orders and directions of any such members of said patrol or policeman relating to traffic in the vicinity of such school.

(4) Any driver of a motor vehicle, automobile, motor truck, motorcycle or any vehicle powered by a petroleum derivative, on any public street or thoroughfare within the City of Lawrenceburg upon approaching any street intersection where there is a traffic light regulating vehicular traffic, or where there is a stop sign for stopping on the street being travelled at a street intersection, is prohibited from leaving the street being travelled, and cutting across the grounds or yards of any gasoline or filling station abutting such streets, or any other privately owned property in the vicinity of such street intersection, any such acts upon the part of any such driver being hereby declared to be to avoid stopping at such traffic light or stop sign, when such light or signs indicate the driver shall stop on approaching the intersection. (1999 Code, § 15-107)

**15-108. Passing.** (1) The driver of a vehicle shall not drive to the left side of the center of a street or boulevard in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(2) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in any

street or boulevard where the driver's view along the street or boulevard is obstructed within a distance of three hundred feet (300').

(3) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of streets, boulevards or alleys. (1999 Code, § 15-108)

**15-109. Vehicles with trailers operated on streets.** No motor vehicle or trailer whose width, including any part of the load, exceeds eight feet (that is, four feet on each side of the center line of the vehicle) shall be operated upon the streets boulevards, alleys or the public square of the City of Lawrenceburg, Tennessee, without an appropriate permit. (1999 Code, § 15-109, modified)

**15-110. Trucks operated on streets; regulations.** (1) It shall be unlawful for any motor vehicle, whether a single self-contained, self-propelled unit, or a truck, tractor and trailer, or truck which has a rated capacity of one ton or more to travel upon any streets or alleyways within the corporate limits of the City of Lawrenceburg, Tennessee, except as provided herein.

(2) The motor vehicles as are defined in subsection (1) herein are allowed to travel upon all federal and state designated highways within the corporate limits of the City of Lawrenceburg, Tennessee as follows:

U. S. Highway 43 (Locust Avenue)

U. S. Highway 64 (Gaines Street)

Tennessee Highway #241 (Buffalo Road and West Point Rd)

Travel is also authorized on any streets located in the Lawrenceburg Industrial Park, namely Remke Avenue, Helton Drive, Mt. Arat Road, and Liberty Avenue on the North side of Thomas Street.

(3) If the motor vehicles as defined in subsection (1) herein be engaged in local delivery, or begin their travels from a point within the corporate limits where they are normally garaged, and must use streets and alleyways upon which their travel is otherwise prohibited herein in order to travel to said authorized streets, then notwithstanding such prohibition, said vehicles may use unauthorized alleyways and streets to travel to and from the authorized streets by the shortest possible route when making said local deliveries or when embarking from or returning to a local garaging point to or from points outside the corporate limits; provided, however, that said vehicles shall use the designated routes as much as possible when engaging in said deliveries or traveling to and from a local garaging point, and said vehicles shall use the authorized streets until reaching the intersection nearest the destination point, and then return by the most direct route.

(4) The prohibitions to vehicular travel in this section shall not prohibit:

(a) Emergency vehicles. The operation of emergency vehicles upon any street in the city.



(b) Public utilities. The operation of trucks owned or operated by the city, public utilities, any contractor or materialman which is and while engaged in the repair, maintenance or construction of streets, street improvements, or utilities within the city.

(c) Detoured trucks. The operation of trucks upon any officially designated detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

(d) School buses. The operation of school buses; buses used to transport persons to and from a place of worship, which runs a designated route, except for public carriers of persons for hire.

(5) Any person, firm, corporation, federal, state, county or local agencies violating any of the provisions of this section shall upon conviction, be guilty of a misdemeanor and shall be subjected to a fine not to exceed state authorized limits. (1999 Code, § 15-110, modified)

**15-111. Compliance with financial responsibility law required.**

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision

thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty not to exceed state authorized limits. The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #664, May 1998, modified)

**15-112. Regulations for automotive repair, paint and body shops within the city limits.** (1) Automotive/motor vehicle repair; paint and body shop automotive/motor vehicle repair and lubrication, oil changes, tire installation/repair, paint and bodywork, and other maintenance services, are subject to the following conditions:

(a) All repairs must be conducted within an enclosed building.

(b) Overnight vehicle storage requirements. No more than three (3) vehicles per bay or repair/inspection station that have been accepted for repairs by the repair, paint or body shop may be stored/parked outside after regular business hours unless the vehicles in excess of two (2) per bay or repair/inspection station are completely enclosed:

(i) Behind a minimum six-foot (6') solid screening fence;

or

(ii) Within a building.

(c) Vehicle storage requirements for wrecked or dismantled vehicles. All wrecked or dismantled vehicles, as well as parts including but not limited to tires, wheels, body parts, motors, transmissions, mufflers, etc. must be stored in an enclosed building or completely enclosed behind a minimum six-foot (6') solid screening fence.

(d) No vehicle retained for repairs may be stored for more than thirty (30) days from the date the vehicle is accepted for repair. The thirty (30) day time limit may be extended to a total of sixty (60) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law.

(i) The time limit shall not apply to any vehicle ordered by a court or mandated by arbitration or mediation to be stored by the automotive repair or paint and body shop.

(e) Any property used as an automotive repair, paint or body shop located in a "C-2," "C-3" must comply with subsections (a) thru (d) above.

(f) Automotive/motor vehicle repair shall include all motor vehicles including but not limited to automobiles, motorcycles, ATVs, boats, etc.

(2) Penalty for violation. Any person violating this ordinance shall be subject to a civil penalty of fifth dollars (\$50.00) plus court costs for each separate violation of this section. Each day the violation of this ordinance continues shall constitute a separate violation. (as added by Ord. #1268, May 2019 **Ch5\_04-27-23**)

**15-113. No parking on West Taylor Street.** (1) It is unlawful for any person to park a motor vehicle or vehicle of any kind on West Taylor Street from the metal gate, westward where indicated by signs.

(2) In all cases in which a motor vehicle is found parked within the "no parking" zones, any law enforcement officer for the City of Lawrenceburg may request a wrecker to remove the vehicle from the "no parking" zone at the expense of the owner of said vehicle.

A citation shall be issued to any person parking his motor vehicle or vehicle of any kind within the "no parking" zone. Any person found guilty of parking in the "no parking" zone shall be fined not more than allowed by state law in addition to paying the expense for removal of said vehicle. (as added by Ord. #1318, Aug. 2021 **Ch5\_04-27-23**)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Failure to yield to emergency vehicles.

15-202. Following emergency vehicles.

15-203. Parking vehicles where fires are located.

15-204. Removal of vehicles around fire areas.

**15-201. Failure to yield to emergency vehicles.** When an emergency vehicle siren or signal is sounded, it shall be unlawful for any owner and/or driver of any automobile, auto, truck, or other vehicle of any kind, using the streets of the City of Lawrenceburg, to fail to turn such automobile, auto truck, or other vehicle to the curb of the street and out of the regular line of traffic, and/or to fail to keep such automobile, auto truck or other vehicle parked at the curb of the street until the emergency vehicles shall have passed on their way, or until it shall have been ascertained that the emergency vehicles shall not pass over such street on its way. (1999 Code, § 15-201, modified)

**15-202. Following emergency vehicles.** It shall be unlawful for any owner and/or driver of any automobile, auto truck or other vehicle to follow an emergency vehicle at a closer proximity than one (1) block. (1999 Code, § 15-202, modified)

**15-203. Parking vehicles where fires are located.** It shall be unlawful for any owner and/or driver of any automobile, auto truck or other vehicle to park such automobile, auto truck or other vehicle closer than one (1) block to any building or other property that is on fire, which is being fought or put out by the fire department. (1999 Code, § 15-203)

**15-204. Removal of vehicles around fire areas.** It shall be unlawful for any owner and/or driver or person in charge of any automobile, auto truck or other vehicle, which at the time of the sounding of the fire siren or signal is parked closer than one (1) block to any building or other property that is on fire, to fail to remove the same to a greater distance than one (1) block from such building or other property at the request of any member of the fire department or of any member of the police department of said municipality. (1999 Code, § 15-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. Uniform speed limits.

15-302. In general.

15-303. In school zones.

15-304. Penalty.

**15-301. Uniform speed limits.** To achieve uniform speed limits, the speed limits on the following streets are changed as indicated:

(1) Highway 43 from Hood Lakes Road to Plummer Street – forty-five (45) mph.

(2) Highway 43 from Plummer Street to Remke Lane – thirty-five (35) mph.

(3) Highway 43 from Remke Lane to City Limits – forty-five (45) mph.

(4) The Square and one (1) block off square in all directions – twenty (20) mph.

(5) East Gaines Street (U.S. Highway 64) from Springer Road to eastern city limits – forty-five (45) mph, with the exception of the precautionary thirty-five (35) mph zone on each side of Annie Rooney Road.

(6) Old Florence Road and South Military Avenue to city limits thirty (30) mph – except as otherwise signed for dangerous curve.

(7) Fall River Road – thirty-five (35) mph – except as otherwise signed for dangerous curve.

(8) West Taylor Street West of South Military Avenue through Gallaher Boulevard – twenty (20) mph.

(9) Springer Road – thirty-five (35) mph.

(10) West Point Road – thirty-five (35) mph – except as otherwise signed for dangerous curve. (1999 Code, § 15-301, as replaced by Ord. #1048, Jan. 2009, and amended by Ord. #1053, Aug. 2009)

**15-302. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which case the posted speed limit shall apply.

However, the same shall not apply to any fire truck and/or fire engines en route to the scene of a fire in answer to a fire call, or to any police or highway patrol car, in answer to a police call, or to any ambulance en route to a hospital with a sick or injured person or persons, or en route to the scene of an accident, or any emergency vehicle en route to assistance in any emergency, local or national; but the drivers of such fire engine, police or highway patrol car, ambulance or other emergency vehicles shall use reasonable care and caution

in the operation thereof. (1999 Code, § 15-302, modified, as replaced by Ord. #1048, Jan. 2009)

**15-303. In school zones.** Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this section.

In school zones when the board of mayor and council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of (90) minutes after the closing hour of school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (as added by Ord. #1048, Jan. 2009)

**15-304. Penalty.** Any person or persons violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than state authorized limits plus court cost for each offense. (as added by Ord. #1048, Jan. 2009)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1999 Code, § 15-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1999 Code, § 15-402)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1999 Code, § 15-403)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

15-501. At railroad crossings.

15-502. At crosswalks.

**15-501. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1999 Code, § 15-501)

**15-502. At crosswalks.** (1) The driver of any vehicle upon the streets, boulevards, or public square, within a business or residence district shall yield the right of way to pedestrians crossing such streets, boulevards or public square within any clearly marked crosswalk or any regular pedestrian-crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street or boulevard or public square within a business or residence district at any point other than a pedestrian crossing, crosswalk, or intersection, shall yield the right of way to vehicle upon such street, boulevard or public square.

(2) Pedestrians shall not use the streets and boulevards, other than the sidewalks thereon or thereof, for traffic except when obliged to do so by the absence of sidewalks, reasonable, suitable, and passable for their use, in which case they shall keep as near as reasonably possible to the extreme left side of edge of same. (1999 Code, § 15-502)



## CHAPTER 6

### PARKING

#### SECTION

15-601. Loading and unloading zones.

15-602. Generally.

15-603. Where prohibited.

**15-601. Loading and unloading zones.** It shall be unlawful for any person or persons, corporation or partnership owning or in control of, either directly or indirectly, any bus line, or motor driven vehicle used as a public carrier and having a regular schedule and operating any motor driven vehicle or vehicles for the purpose of carrying passengers or baggage from the said City of Lawrenceburg, or into the said City of Lawrenceburg, to use the public square or any public street or passways in said City of Lawrenceburg, or any part of same as a depot or loading station or loading place for the purpose of assembling or loading passengers. It shall be unlawful also for any one to park any such aforesaid motor driven vehicle commonly referred to as "bus" at any place on the public square or upon any street in said city, except at such place or places as may be designated, and for only such time as is reasonably necessary for the purpose of discharging passengers. The drivers of any and all aforesaid vehicles, and each and every person connected with the operation, management, or control of said vehicles, shall be equally guilty of each and every violation of this section. (1999 Code, § 15-601)

**15-602. Generally.** No person having control of a motor vehicle shall allow such vehicle to stand on any street, boulevard, alley or public square, unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle, and when standing on any grade without turning the front wheels of such vehicle to the curb or side of the street, alley or boulevard. (1999 Code, § 15-602)

**15-603. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;

- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (1999 Code, § 15-603)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of driver license in lieu of bail.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be a civil offense for any alleged violator to give false or misleading information as to his name or address. (1999 Code, § 15-701)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1999 Code, § 15-702)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

owner of the vehicle is responsible for such illegal parking. (1999 Code, § 15-703, modified)

**15-704. Impoundment of vehicles.** (1) Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked, so as to constitute an obstruction or hazard to normal traffic. Police may also tow and impound vehicles pursuant to all relevant portions of Tennessee Code Annotated allowing for seizure of vehicles.

(2) Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of.

(3) The fee for impounding a vehicle shall be equal to the fee charged by the storage cost of the impounded vehicle shall be forty dollars (\$40.00) a day for each motor vehicle stored in the impoundment lot. Any part of a day shall count as a whole day. (1999 Code, § 15-704, as replaced by Ord. #1134, June 2014)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1999 Code, § 15-705)

**15-706. Deposit of driver license in lieu of bail.** (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 city 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 city court of this city 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 city 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 city 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, § 55-50-803. (1999 Code, § 15-706)

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty not to exceed state authorized limits for each separate offense.

(2) Parking violations excluding handicapped parking. For parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the Lawrenceburg Police Department a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days but before a warrant is issued for his arrest, his civil penalty shall be no more than state authorized maximum. (1999 Code, § 15-707, modified)

## CHAPTER 8

### TRAFFIC CONTROL CODE

#### SECTION

- 15-801. Title.
- 15-802. Purpose and scope.
- 15-803. Adoption of state traffic statutes.
- 15-804. Use and application.
- 15-805. Violations and penalties.
- 15-806. Enforcement.

**15-801. Title.** This chapter shall be known as the "Traffic Control Code" of the City of Lawrenceburg, Tennessee and may be cited as such. (1999 Code, § 15-801)

**15-802. Purpose and scope.** (1) The provisions of this chapter shall apply to the operation of all motor vehicles including automobiles, trucks of all weights, bicycles, motorcycles, trailers, and buses and all or any other matters relating to the operation of any vehicle operated by independent power or human power on the streets, parking areas, alleys or access roads in the City of Lawrenceburg, Tennessee.

(2) No provision of this chapter shall be held to deprive any federal or state agency, or any applicable governing body having concurred jurisdiction of any power or authority which it had on the effective date of the ordinance comprising this chapter or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation or partnership of its legal rights as provided by law. (1999 Code, § 15-802)

**15-803. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Lawrenceburg 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 Lawrenceburg 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. (1999 Code, § 15-803, as replaced by Ord. #1012, Sept. 2006)

**15-804. Use and application.** (1) This chapter shall be applied to all individuals, partnership and/or corporations operating and using motor vehicles upon the streets, parking areas, alleys, or access roadways within the City of Lawrenceburg, Tennessee and from the date on which the ordinance comprising this chapter took effect the provisions herein shall be controlling in controlling

and regulating the operation of motor vehicles, equipment and lighting regulations of motor vehicles, accidents, arrests and crimes involving motor vehicles, intoxicated or drugged persons prohibited from driving motor vehicles, chemical tests for drugged or intoxicated persons operating motor vehicles, and drag racing.

(2) Nothing in this chapter or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any use or causes of the action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter. (1999 Code, § 15-804)

**15-805. Violations and penalties.** Any person, partnerships, corporation or companies that shall fail to comply with or violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined in the same manner as set forth in the statute governing each separate offense, as though copied herein verbatim, however and in no event, shall any fine be more than state authorized limits but in addition thereto the costs for providing a chemical test for drugged or intoxicated persons operating a motor vehicle shall be borne, as part of the court costs, by the person so charged and convicted said charge not to exceed the actual cost of the chemical test. (1999 Code, § 15-805, modified)

**15-806. Enforcement.** The enforcement of this chapter shall rest with the Chief of Police and the Police Department of the City of Lawrenceburg, Tennessee. (1999 Code, § 15-806)

**TITLE 16****STREETS AND SIDEWALKS, ETC<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PUBLIC WORKS DEPARTMENT.
3. EXCAVATIONS AND CUTS.

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

- 16-101. Parades, etc. regulated.
- 16-102. Littering streets, alleys, sidewalks prohibited.
- 16-103. Obstruction of sidewalks, alleys, boulevards prohibited.
- 16-104. Burning on sidewalks prohibited.
- 16-105. Limbs, trash, debris on streets prohibited.
- 16-106. Removal of dirt, rubbish, trash from sidewalks, etc.

**16-101. Parades, etc. regulated.** (1) Definitions. The following definitions shall apply in the interruption of this section:

(a) "Parade" shall mean a procession of five or more persons in a public place for display, or a body of five or more promenaders in a public place.

(b) "March" shall mean the advancing in step of an organized body of five or more persons, or walking in a deliberate manner by five or more persons.

(c) "Procession" shall mean the proceeding or moving along in orderly succession, in a formal or ceremonious manner, of a line or body of five or more persons, animals, five or more vehicles or other things.

(d) "Person" shall include any natural person or persons, and where the context permits, any corporation, incorporated or unincorporated association or organization of persons, and the officials and members of any such incorporated or unincorporated association or organization, and the driver of any vehicle.

(e) "Vehicle" shall any gasoline-propelled or other power-propelled vehicle, such as automobile, motor car, motor truck,

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.



motorcycle, or similar vehicles, as well as bicycles, buggies, wagons or other animal-drawn vehicles.

(f) "Public places" shall include the public square, any public street or avenue or alley, and any public park, playground or recreation place in the bounds of the City of Lawrenceburg.

(2) Permit required. It shall be unlawful for any person, either as the sponsor of any parade, march or procession, or as a participant in same, or directing, countenancing or assisting therein, to conduct or carry out any parade, march or procession within the City of Lawrenceburg as the same are herein described, without first having obtained therefor a permit as hereinafter provided, or for any such person to conduct or carry out such parade, march or procession in violation or contrary to the terms of such permit; provided, that the provisions of this section shall not apply to any funeral procession, any employees of any industry going to or returning from employment at such industry, any persons in a congregation going to or leaving any place of worship, any parade advertising an athletic contest, or any procession going to or returning from any athletic contest or the public fair held at Rotary Park.

(3) Application. Any sponsor or director of any proposed parade, march or procession regulated by this section, shall in advance thereof make written application to the Police Chief of the City of Lawrenceburg, in writing in duplicate, giving the purpose of such parade, march or procession, with its beginning and ending points, the route to be traveled, and the time same shall begin and shall end, and the approximate number of persons and of vehicles to participate therein and if granted, the police chief shall endorse on the duplicate of such application the approval thereof and return same to the applicant, which shall constitute the permit for such parade, march or procession. If not granted, the applicant may appeal to the City Administrator of the City of Lawrenceburg, who may either approve or disapprove such application. There shall be no charge for such permit.

(4) Violation and penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined no more than state authorized limits for each offense together with all costs. (1999 Code, § 16-101, modified)

**16-102. Littering streets, alleys, sidewalks prohibited.** It shall be unlawful for any one personally or collectively or at the issuance of others to throw, deposit or place the sweepings from stores, business and public buildings and dwellings any paper, scraps of paper, ashes, tin cans, boxes, straw, excelsior or any rubbish of any kind or character, material and glass upon any street, alley, boulevard, or the public square within the City of Lawrenceburg, and to do any of the above prohibited things is declared a nuisance and a violation of this section, and the person or persons, firms or corporations so violating same shall be declared guilty of a misdemeanor and upon conviction for each and

every offense shall be fined no more than state authorized limits. (1999 Code, § 16-102, modified)

**16-103. Obstruction of sidewalks, alleys, boulevards prohibited.**

(1) It is unlawful and the same is hereby declared to be a nuisance for any person or persons, firm or corporations to obstruct in any way the free passage and use necessarily and street, alley, boulevard, or the public square in the City of Lawrenceburg, and violation of this section shall be declared a misdemeanor and upon conviction shall be fined no more than state authorized limits with all costs.

(2) It is unlawful for any person or persons, firms, individuals, or through agents or representatives to place upon the public square or sidewalk, alleys or boulevards any implements, garden tools, or farming tools, or to make any obstruction by using the sidewalks, pavements, streetways or the public square to exhibit any of their wares, merchandise, hardware, chinaware, groceries, fruits, poultry, bread boxes, fish, feed stuff, baled or otherwise upon any street, sidewalks, alley, boulevard, or the public square within the City of Lawrenceburg, without first getting a written permit from the Police Chief of the City of Lawrenceburg and said written permit to specify the use and space to be taken etc., and the length of time to be used and any person or persons, firm or corporations violating this section shall be fined no more than state authorized limits for each and every offense together with all costs. (1999 Code, § 16-103, modified)

**16-104. Burning on sidewalks prohibited.** It shall be unlawful to burn any trash, rubbish or build any fire for any purpose on the sidewalk, public square or any paved or macadamized streets or alleys in the City of Lawrenceburg and the violation of this section shall be declared a misdemeanor, and any person or persons found guilty shall be fined no more than state authorized limits together with all costs. (1999 Code, § 16-104, modified)

**16-105. Limbs, trash, debris on streets prohibited.** (1) It is hereby declared to be unlawful for any person, firm or corporation, either as owner or operator, or as an agent, representative or employee of the owner engaged in the business of landscaping, tree trimming, any construction or other related business to place limbs, trash, or other debris on the city streets or state highway or right-of-ways within the corporate limits of the City of Lawrenceburg, Tennessee.

(2) Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 16-1005, modified)

**16-106. Removal of dirt, rubbish, trash from sidewalks, etc.**

(1) It is hereby declared to be unlawful for any person, firm or corporation, either as owner or operator, or as an agent, representative or employee of the owner or operator, of any machinery, used in moving dirt, rubbish, trash, chert, etc., such as bull-dozers, grader, loaders, lowboys, trucks and similar machinery; when removing such dirt, rubbish, trash, chert, etc., from the premises of any off-street lots or property, including governmental-owned property, by the use of any such machinery, or to any such off-street lots or property, to push or cause to be pushed or dropped any such dirt, trash, rubbish, chert, etc., to or on any public street, including sidewalks and gutters and paving thereof, or the dropping of mud, dirt, etc., in such work, on any such public street or part thereof, unless such dirt, trash, rubbish, chert, etc., so pushed or dropped on such street or part thereof shall be by any such person, firm, or corporation removed from such street or part thereof before sundown on the day same is pushed or dropped on such public street or part thereof, and/or for such person, firm or corporation in dismantling or wrecking any building or structure, or making excavations for any building or structure, to place or permit to be placed on any such public street or part thereof any timbers, dirt, or other materials from such work, if same is not immediately removed by such person, firm or corporation from such public street or part thereof; provided that the provisions of this section shall not apply to street improvements by the City of Lawrenceburg or any contractor of it for such purpose, or to the construction of such public utilities as electricity transmission lines, natural gas lines, telephone lines, water lines and sewer lines.

(2) Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 16-106, modified)

## CHAPTER 2

### **PUBLIC WORKS DEPARTMENT**

#### **SECTION**

16-201. Public works department created.

16-202. Duties.

16-203. Effective date.

**16-201. Public works department created.** The Public Works Department of the City of Lawrenceburg, Tennessee is hereby created and made a separate unit in its operation, maintenance, extension, equipment, earning capacity and expenses and shall be operated and administered separate and apart from the other facilities and functions of the City of Lawrenceburg. Further the public works department shall replace the street department. (as added by Ord. #1082, Aug. 2011)

**16-202. Duties.** The public works department shall be assigned such duties as are determined by the Board of Mayor and Council or the City Administrator of the City of Lawrenceburg, Tennessee. It is the current intention that the functions of the street department shall now be administered by the public works department and certain areas of work currently performed by employees of the parks and recreation departments and EMA departments shall be performed by the public works department. (as added by Ord. #1082, Aug. 2011)

**16-203. Effective date.** This chapter shall take effect from and after its passage, the public welfare requiring it and the welfare of the City of Lawrenceburg requiring it. All ordinances, resolutions or parts of ordinances or resolutions in conflict herewith are hereby modified or repealed to comply with the provisions of this chapter. (as added by Ord. #1082, Aug. 2011)

## CHAPTER 3

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-301. Permit required.
- 16-302. Applications.
- 16-303. Fee.
- 16-304. Deposit or bond.
- 16-305. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-306. Restoration of streets, etc.
- 16-307. Insurance.
- 16-308. Time limits.
- 16-309. Supervision.
- 16-310. Driveway curb cuts.

**16-301. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, road, sidewalk, or public place, or to tunnel under any street, alley, road, sidewalk, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the public works director is open for business, and said permit shall be retroactive to the date when the work was begun. (as added by Ord. #1100, July 2012)

**16-302. Applications.** Applications for such permits shall be made to the public works director, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws. Such application shall be rejected or approved by the public works director within twenty-four (24) hours of its filing. (as added by Ord. #1100, July 2012)

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<sup>1</sup>Ord. #1100 also contains procedures for excavations and cuts by the Lawrenceburg Utility Systems and is of record in the recorder's office.

**16-303. Fee.** The fee for such permits shall be five dollars (\$5.00) for driveway, curb cuts, and excavations. (as added by Ord. #1100, July 2012)

**16-304. Deposit or bond.** The public works director may require a cash deposit in the sum of one thousand dollars (\$1,000.00) for any excavation on public property including all public rights of way, to insure the property restoration of the ground, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or as its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. In lieu of a cash deposit the applicant may deposit with the public works director a surety bond in the amount of one thousand dollars (\$1,000.00) to cover the costs to the municipality if the applicant fails to make proper restoration. (as added by Ord. #1100, July 2012)

**16-305. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. All cuts shall be done by sawcut when feasible. (as added by Ord. #1100, July 2012)

**16-306. Restoration of streets, etc.** Any person, firm, corporation, association, utility or others making any excavation in any street, alley, road, sidewalk or public place in this municipality shall restore said street, alley, road, sidewalk, or public place to the specifications hereinafter set out, except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, utility or others promptly upon the completion of the work for which the excavation was made. The city may authorize a duly licensed contractor who is performing excavations on the streets, alleys, roads, sidewalks, or public ways to complete the surfacing to the city's specifications, provided the contractor guarantees in writing the surfacing for one year. In case of unreasonable delay in completion of work, the city shall give notice to the person, firm, corporation, association, utility or others that unless the excavation is refilled properly, within a specified period of time, the municipality will do the repair or contract said repair and charge the expense to the particular party.

Street repair specifications are as follows:

(1) From six inches (6") above tops of pipe or minimum standards up to within seven inches (7") of finished grade. Backfill with crushed stone no larger than #57. Dispose of all excavated materials.

(2) After seven (7) days settling, weather permitting and availability of asphalt, the city shall fill remaining trench or hole with hot mix. This asphalt shall be level with existing surface. The city shall be notified of all cuts at least weekly. (as added by Ord. #1100, July 2012)

**16-307. Insurance.** Each person or entity applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the public works director in accordance with the nature of the risk involved; provided, however, 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 for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollars (\$75,000.00) aggregate. (as added by Ord. #1100, July 2012)

**16-308. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works director. (as added by Ord. #1100, July 2012)

**16-309. Supervision.** The public works director or his designee shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, road, sidewalk, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of final resurfacing any such excavation or tunnel commences. (as added by Ord. #1100, July 2012)

**16-310. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city clerk. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian

and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (as added by Ord. #1100, July 2012)



**TITLE 17****REFUSE AND TRASH DISPOSAL<sup>1</sup>****CHAPTER**

1. REFUSE.
2. DELETED.
3. SANITATION DEPARTMENT.

**CHAPTER 1****REFUSE****SECTION**

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Garbage containers.
- 17-104. Location of carts.
- 17-105. Disturbing containers.
- 17-106. Exclusive city function.
- 17-107. Frequency of collection.
- 17-108. Contracts with private firms.
- 17-109. Billing of service fee.
- 17-110. Disposal sites; rules and regulations; fees.
- 17-111. Special rules, regulations, and charges authorized for certain refuse.
- 17-112. Exceptions.
- 17-113. Implementing authority of superintendent of sanitation.
- 17-114. Deleted.
- 17-115. Service fees for collection and removal.
- 17-116. Incorrect billing.
- 17-117. Violations.

**17-101. Definitions.** (1) "Apartment units." The term "apartment units," as hereinafter referred to in this chapter shall mean and include all multi-family dwellings where more than one (1) family unit is in one complex located in the city limits of the City of Lawrenceburg and shall include duplexes and triplexes as well as multi unit apartments and shall include government subsidized apartments.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(2) "Bulk rubbish." The term "bulk rubbish," as hereinafter referred to in this chapter shall include but not be limited to wooden and cardboard boxes, crates, furniture, bedding, appliances, and certain other household items, such as stoves, water tanks, washing machines, furniture bedding and other refuse items which by their size and shape can not be readily placed in city approved containers.

(3) "Cart." The term "cart," as hereinafter referred to in this chapter shall mean containerized carts purchased and owned by the City of Lawrenceburg and provided to the residents of the City of Lawrenceburg, pursuant to the containerized garbage system implemented on or about May 1, 2000.

(4) "Collector." The term "collector," as hereinafter referred to in this chapter shall mean the Lawrenceburg Sanitation Department, its designee, or private collecting company, that collects, transports, or disposes of any refuse within the corporate limits of the City of Lawrenceburg, Tennessee.

(5) "Construction waste." The term "construction waste," as hereinafter referred to in this chapter shall include but not be limited to materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, brick, dirt, roofing, wood, debris, fill, plaster, guttering and all types of scrap materials.

(6) "Cooking waste." The term "cooking waste," as hereinafter referred to in this chapter shall include putrescible and non-putrescible materials originating from the preparation, cooking, and consumption of food.

(7) "Dumpster." The term dumpster, as hereinafter referred to in this chapter shall mean 2, 3, 4, 5 or 6 yard capacity receptacles commonly on wheels, usually constructed primarily of steel.

(8) "Ferrous metal." The term "ferrous metal," as hereinafter referred to in this chapter shall include but not be limited to metals, white goods, appliances, including, but not limited to stoves, metal roofing, siding and other metal items.

(9) "Garbage." The term "garbage," as hereinafter referred to in this chapter shall include putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products.

(10) "Recyclables." The term "recyclables," as hereinafter referred to in this chapter shall include cardboard, glass, plastic, white paper, tin cans, aluminum, newsprint or others that may from time to time be added by the City of Lawrenceburg as markets and innovations allow.

(11) "Refuse." The term "refuse," as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other combustible and non-combustible materials, market refuse, waste from the handling and sale of

produce and other similar unwanted materials, but shall not include sewage, body wastes or recognizable industrial by-products. Refuse shall also mean and include all garbage, rubbish and waste as those terms are generally defined except that dead animals, fowls and body wastes are expressly excluded therefrom and shall not be stored there within.

(12) "Residential units." The term "residential units," as hereinafter referred to in this chapter shall mean and include all single family dwellings, and mobile homes located in the city limits of the City of Lawrenceburg.

(13) "Rubbish." The term "rubbish," as hereinafter referred to in this chapter shall include non-putrescible waste materials that are not recyclable.

(14) "Small commercial customers." The term "small commercial customers" as hereinafter referred to shall mean commercial customers not requiring dumpster service.

(15) "Yard waste." The term "yard waste," as hereinafter referred to in this chapter shall include but not be limited to grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials. (Ord. #941, June 2001, as amended by Ord. #1160, Aug. 2015 *Ch4\_03-28-18*)

**17-102. Premises to be kept clean.** All persons within the City of Lawrenceburg are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, garbage, and rubbish except when stored as provided in this chapter.

All persons are hereby required to store such refuse in garbage containers between the intervals of collection or to dispose of such material in a manner prescribed by the provisions of this chapter so as to not cause a nuisance or become injurious to the public health and welfare. (Ord. #941, June 2001)

**17-103. Garbage containers.** Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Lawrenceburg where garbage, refuse, or trash accumulates or is likely to accumulate, shall provide and keep covered an adequate number of garbage or refuse containers or carts for the storage of such refuse.

(1) **Policy for containerized garbage collection system.** The City of Lawrenceburg hereby establishes a policy for the collection of refuse through the use of a semi automated/automated garbage system. The policy of placement of the containers and contents shall be as follows:

(a) This policy shall apply for all single family residential customers, condominiums, town homes, multi-family dwellings, certain apartment units and government subsidized apartment units and small commercial establishments that can be served by the regular residential collection trucks as follows:

(i) All refuse must be placed in the cart and placed at the curb on public city street before 7:00 A.M. on the designated collection day and removed the same day.

(ii) One pick up per week will be provided.

(iii) Carts will be furnished at no cost as follows and additional cart(s) can be purchased until at the current market price of seventy five dollars (\$75.00) each. The cost of additional carts will be at the then market price and will change from time to time as the city's cost changes. If the allowable number of carts is insufficient, other arrangements must be made for the removal and disposal of the refuse. The following table shows the number of carts furnished by the city and the number of carts that can be purchased for single family dwelling, multi-family dwellings and small commercial customers;

<u>Customer</u>	<u>Furnished</u>	<u>Purchase</u>
Single family, town homes, separately-owned condominiums	1	1
Small Commercial	1	1
2, 3 or 4 Family Units	2	2

(iv) Single family dwelling, town homes and separately-owned condominiums will be furnished one (1) cart and they may purchase one (1) additional cart. Small commercial shall be furnished one (1) cart and may purchase one (1) additional cart.

(v) All carts furnished by the city will remain the property of the city.

(vi) Additionally, there are weight limitations and certain items that cannot be stored in plastic carts. The restricted uses are as follows:

- (A) Weight not to exceed 200 pounds.
- (B) Any hazardous or caustic waste.
- (C) Petroleum products, including crankcase oil.
- (D) Sharp metal objects that might puncture the plastic cart.
- (E) Construction waste, large stones, dirt, sand, concrete blocks, bricks, etc.
- (F) Any heavy or free falling object that may cause an imbalance during dumping procedure.

- (G) No garbage outside the carts will be picked up.
- (vii) The final authority on the placement of containers shall be the superintendent of streets and sanitation.
- (viii) The cost of the containers will be subject to change based on market conditions.
- (ix) All refuse must be placed within the garbage carts provided hereunder for disposal. No private garbage cans or other containers shall be used. No refuse shall be picked up by the City of Lawrenceburg except from the carts provided by the City of Lawrenceburg.
- (x) All garbage and refuse should be free and drained of all liquids as possible.

(2) Policy for dumpster collection system. (a) Any premises from which a charge is paid for dumpster pick-up, dumpster containers shall be placed in a location mutually agreeable to the customer and the sanitation supervisor or foreman.

(b) Dumpster containers will be emptied on a schedule provided by the sanitation supervisor.

(c) Charges for the customers with dumpsters shall be based on the size dumpster and the number of times the dumpster is emptied per week. (Ord. #941, June 2001, modified, as amended by Ord. #1160, Aug. 2015 ***Ch4\_03-28-18***)

**17-104. Location of carts.** Carts shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such carts have been emptied they shall be removed by the owner to within, or to the rear of, the premises and away from the street line until the next scheduled time for collection. On any premises from which a charge is paid for non-curb pickups, carts shall be placed in a location mutually agreeable to the customer and the sanitation supervisor or foreman. Persons with handicap should contact the sanitation department to be assisted with their service requirements. (1999 Code, § 17-104, modified, as amended by Ord. #1160, Aug. 2015 ***Ch4\_03-28-18***)

**17-105. Disturbing containers.** No person except the owner or person lawfully in control of any premises, or his agent, or any authorized employee of the city, shall in any way interfere in any manner with a garbage container on the premises of the owner or person lawfully in control of the premises, or his agent. The term "interfere" shall include, but not be limited to, depositing in or removing from a container any garbage, rubbish, waste, recyclable material, dead animal and fowls, and any other material of every kind or description;

moving the container from its location on the premises; opening the container; or uncovering, rifling, pilfering, digging into, turning over, and rummaging through, or inspecting the contents of the container. The term garbage container for this section shall include but not be limited to, carts, dumpsters, fenced in areas, receptacles or other containers used for storage or disposal of garbage, rubbish or waste. (1999 Code, § 17-105, modified)

**17-106. Exclusive city function.** Except as otherwise herein provided only the city shall engage in the business of collection, removing, or disposing of refuse within the corporate limits. The city may provide such service either with its own forces or by contractors.

The superintendent of sanitation may require that certain types of refuse to be picked up by private haulers at the sole and exclusive expense of the property owner or tenant. The decision concerning requiring commercial or industrial establishments to dispose of certain types of waste at their own expense shall be at the sole discretion of the superintendent of the sanitation department subject to the approval of the city administrator. (1999 Code, § 17-106, modified)

**17-107. Frequency of collection.** The superintendent of sanitation is authorized and directed to prepare schedules for regular collection of refuse throughout the city. Refuse shall be collected from residences once weekly and from businesses and other non-residential producers as often as reasonably necessary to protect against health and fire hazards. (1999 Code, § 17-107, modified)

**17-108. Contracts with private firms.** When the volume or any condition is such that the sanitation department personnel and equipment cannot provide normal garbage services, the city administrator may elect not to collect and/or dispose of the refuse. In this event, the refuse producer shall be required to contract with a private firm, which must be approved by the city, to collect and dispose of the refuse. The refuse producer may collect and dispose of its own generated refuse, if approved by the city and if the refuse is disposed of, in accordance with local, state and federal regulation, at state permitted disposal facilities. Refuse collection and disposal services provided by the city may be with its own forces or by contracts with private service providers. (1999 Code, § 17-108, modified)

**17-109. Billing of service fee.** The service fee for collection and removal of refuse, garbage and trash by the City of Lawrenceburg shall be included as a separate item each month on the bill issued by the City of Lawrenceburg for any utilities services including but not limited to water, sewer

or gas. The service fee shall be due and payable monthly at the same time that utility bills are due and payable. Utility services provided to the recipient shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the utility bill.

In the case of premises that contain more than one (1) dwelling unit or place of business and each is billed separately for utilities by the city, such fees shall be billed to each person in possession, charge or control who is a utility customer of the City of Lawrenceburg. In the case of premises containing more than one (1) dwelling unit or place of business, which are served through a single utility meter, so that the occupants or tenants can not be billed separately by the city, the customer responsible for the utility bill shall be responsible for refuse service fees for the premises. (Ord. #941, June 2001)

**17-110. Disposal sites; rules and regulations; fees.** It shall be unlawful for any person to dispose of refuse at any place other than a refuse disposal site designated by the municipal governing body. Refuse disposal sites shall be available for use subject to reasonable rules and regulations and disposal fees recommended by the superintendent of sanitation and approved by resolution of the municipal governing body. (1999 Code, § 17-111, modified)

**17-111. Special rules, regulations, and charges authorized for certain refuse.** (1) Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations and special charges recommended by the superintendent of the sanitation department and approved by resolution of the municipal governing body:

- (a) Yard waste.
- (b) Bulk rubbish.
- (c) Ferrous metals.
- (d) Dangerous materials or substances, such as poisons, acids, or caustics or refuse which is highly infectious or combustible.

(2) Procedure for collection of bulk rubbish or ferrous metals or construction or building waste.

(a) The City of Lawrenceburg will not be responsible for collection or disposal of construction or building waste, bulk rubbish or ferrous metals. The property owner or producer of such waste shall be responsible for disposal of the bulk rubbish, ferrous metals or construction or building waste. Failure by the domestic producer or property owner to dispose of bulk rubbish, ferrous metals or construction or building waste shall be a violation of this ordinance and subject the violator to a fine or civil penalty not to exceed fifty and 00/100 dollars (\$50.00) per violation. Each day the ordinance is violated shall be considered a separate offense and subject to a new fine or civil penalty not to exceed fifty and 00/100 dollars (\$50.00).

(i) All yard waste must be placed adjacent to a street or public alley at the front, rear, or side of the property where the same shall be easily accessed by the city's collection equipment. Accumulations of such items shall be easily accessible to and within reach of the city's sanitation equipment, shall not be placed beneath overhead utility lines or placed behind a parked automobile or obstruction. Accumulation of such material shall not damage, obstruct the access to or reduce the effectiveness of any utility meter, utility valve, fire hydrant, utility pole, catch basin, draining way, storm sewer, or other such item. The city may require discarded refrigerated appliances to be purged of freon or other gases. All items for disposal shall be prepared in accordance with any and all federal, state, and local regulations related to their disposal.

(ii) Piling of yard waste for collection. All yard waste shall be neatly stacked in an unscattered manner in one location. Small trimmings should be stacked on top of larger ones with butt ends pointed in the same direction. Yard waste shall not be made where it is loosely scattered.

(iii) Length and size of brush. No brush put out for collection shall be of such size or weight, or piled or stacked in any manner that exceeds the capability of the city's solid waste collection equipment. All tree limbs longer than twelve (12) feet in length must be cut in half and stacked with larger limbs on the bottom with butt ends pointed in the same direction. Small trimmings must be stacked on top of larger ones.

(iv) Grass clippings and leaves. Shall be placed in plastic bags or other disposable containers.

(b) Procedure for collection of bulk rubbish or ferrous metals. Service fees for demolition roll-off dumpsters for disposal of bulk rubbish, construction waste and ferrous metal.

The set-up service fee for use of a roll-off dumpster is one hundred dollars (\$100.00), which entitles the user to seven (7) consecutive business days' usage. Each additional day's usage will be ten dollars (\$10.00) per day.

Service fees will be at the rate of one hundred dollars (\$100.00) per dump of the roll-off dumpster plus thirty-six dollars and eight-five cents (\$36.85) per ton of waste disposed of. Customers shall be responsible for properly sorting the waste items in the dumpster pursuant to the rules adopted for sorting of waste as determined by the sanitation department. If waste is not properly sorted, the city will charge two hundred dollars (\$200.00) per hour for time expended in sorting dumpsters that were not properly sorted.



Service fees for the disposal of demolition debris and waste at the Lawrenceburg Transfer Station.

The service fee for disposal of demolition debris and waste at the Lawrenceburg Transfer Station will be charged at the rate of thirty-six dollars and eight-five cents (\$36.85)/ton. (Ord. #941, June 2001, modified, as amended by Ord. #1022, June 2007, Ord. #1160, Aug. 2015 *Ch4\_03-28-19*, and Ord. #1298, Dec. 2020 *Ch5\_04-27-23*)

**17-112. Exceptions.** Nothing in this chapter shall prevent any refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in a manner that does not violate any laws or Lawrenceburg City Ordinances or Resolutions, and provided further all applicable disposal, collection and service fees are paid. (Ord. #941, June 2001)

**17-113. Implementing authority of superintendent of sanitation.** The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the superintendent of sanitation. He shall recommend to the city administrator such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as he deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (1999 Code, § 17-114, modified)

**17-114. Deleted.** (1999 Code, § 17-116, modified, as deleted by Ord. #1160, Aug. 2015 *Ch4\_03-28-19*)

**17-115. Service fees for collection and removal.** The following monthly fees are hereby affixed and established as the service fees to be charged and collected each month for the collection and removal of trash, refuse and garbage:

- |     |                                      |                   |
|-----|--------------------------------------|-------------------|
| (1) | Minimum fee                          | \$14.43           |
| (2) | Residential unit (single family)     | \$14.43           |
| (3) | Apartment unit                       | \$ 14.43 per unit |
| (4) | Government subsidized apartment unit | \$14.43 per unit  |

(5) Commercial and industrial rates shall be charged on the following schedule based upon the number of services provided per week and the number and type of containers used by the commercial user.

<u>Description</u>	<u>Times per week</u>	<u>Adjusted price</u>
Minimum Fee	1	\$ 14.69
1 Cart	1	\$ 14.69
2 Carts	1	\$ 29.38
3 Carts	1	\$ 44.07

4 Carts	1	\$ 58.76
5 Carts	1	\$ 73.45
Commercial minimum fee		\$ 14.69
Shared dumpsters	1 (per customer sharing)	\$ 14.69
3YD dumpster	1	\$ 37.55
3YD dumpster	2	\$ 75.10
3YD dumpster	3	\$ 112.65
3YD dumpster	4	\$ 150.20
3YD dumpster	5	\$ 187.75
4YD dumpster	1	\$ 49.55
4YD dumpster	2	\$ 99.10
4YD dumpster	3	\$ 148.65
4YD dumpster	4	\$ 198.20
4YD dumpster	5	\$ 247.75
6YD dumpster	1	\$ 73.55
6YD dumpster	2	\$ 147.10
6YD dumpster	3	\$ 220.65
6YD dumpster	4	\$ 294.20
6YD dumpster	5	\$ 367.75
8YD dumpster	1	\$ 97.55
8YD dumpster	2	\$ 195.10
8YD dumpster	3	\$ 292.65
8YD dumpster	4	\$ 390.20
8YD dumpster	5	\$ 487.75

The department head of the sanitation department or designee shall place each commercial or industrial establishment in a particular group based upon the average number of collections per week. The department head or designee may from time to time change classification of commercial or industrial establishments from one group to another. (1999 Code, § 17-117, as amended by Ord. #941, June 2001, and replaced by Ord. #1034, Dec. 2007, Ord. #1038, July 2008, Ord. #1160, Aug. 2015 ***Ch4\_03-28-19***, and Ord. #1298, Dec. 2020 ***Ch5\_04-27-23***)

**17-116. Incorrect billing.** Should a customer of the City of Lawrenceburg Sanitation Department feel he/she has been billed incorrectly, he/she shall first notify the Lawrenceburg Public Utility Systems of the alleged discrepancy. The Lawrenceburg Utility Systems shall request the sanitation superintendent to investigate the claim. If the sanitation superintendent

confirms the billing is correct and the customer refuses to pay the charges, that customer shall be deemed to be in violation of this chapter.

**17-117. Violations.** Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the superintendent of sanitation shall be subject to a penalty of not more than state authorized limits for each offense and each day such violation continues shall be deemed to be a separate offense. (1999 Code, § 17-115, modified, as amended by Ord. #1160, Aug. 2015 *Ch4\_03-28-19*)

## CHAPTER 2

(this chapter was deleted by Ord. #1160, Aug. 2015 *Ch4\_03-28-19*)

## CHAPTER 3

### SANITATION DEPARTMENT

#### SECTION

17-301. Sanitation department created.

17-302. Duties.

17-303. Effective date.

**17-301. Sanitation department created.** The Sanitation Department of the City of Lawrenceburg, Tennessee has been created and made a separate unit in its operation, maintenance, extension, equipment, earning capacity and expenses and shall be operated and administered separate and apart from other facilities and functions of the City of Lawrenceburg. (as added by Ord. #1033, Nov. 2007, and replaced by Ord. #1167, Dec. 2015 *Ch4\_03-28-19*)

**17-302. Duties.** The sanitation department shall be assigned such duties as are determined by the Board of Mayor and Council or the City Administrator of the City of Lawrenceburg, Tennessee. (as added by Ord. #1033, Nov. 2007, amended by Ord. #1091, March 2012, and replaced by Ord. #1167, Dec. 2015 *Ch4\_03-28-19*)

**17-303. Effective date.** This chapter shall take effect from and after its passage, the public welfare requiring it and the welfare of the City of Lawrenceburg requiring it. All ordinances, resolutions or parts of ordinances or resolutions in conflict herewith are hereby modified or repealed to comply with the provisions of this chapter. (as added by Ord. #1033, Nov. 2007)

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. SUPPLEMENTARY SEWER REGULATIONS.
2. REGULATION OF SEWER USE.
3. WATER SERVICE CONNECTION REGULATIONS.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. WATER AND SEWERS.
6. STORM WATER MANAGEMENT ORDINANCE.

#### CHAPTER 1

### SUPPLEMENTARY SEWER REGULATIONS

#### SECTION

- 18-101. Miscellaneous.  
 18-102. Protection from damage.  
 18-103. Penalties.

**18-101. Miscellaneous.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lawrenceburg, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Lawrenceburg, Tennessee, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (1999 Code, § 18-202, modified)

**18-102. Protection from damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1999 Code, § 18-206)

**18-103. Penalties.** (1) Any person found to be violating any provision of this chapter except § 18-102 shall be served by the Lawrenceburg Public Utility Systems with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined in the amount not exceeding state limits for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the Lawrenceburg Public Utility Systems for any expense, loss, or damage occasioned the Lawrenceburg Public Utility Systems by reason of such violation. (1999 Code, § 18-208, modified)

## CHAPTER 2

### **REGULATION OF SEWER USE**<sup>1</sup>

#### **SECTION**

18-201. Wastewater discharge.

**18-201. Wastewater discharge.** (1) It shall be unlawful for any nondomestic user located outside the city limits to discharge or continue to discharge to the POTW except as provided in this section.

(2) It shall be unlawful for a significant industrial user to discharge wastewater, either directly or indirectly into the city's sanitary sewer system without first obtaining an industrial user permit from the Lawrenceburg Public Utility Systems. (1999 Code, § 18-307, modified)

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<sup>1</sup>Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."



## CHAPTER 3

### WATER SERVICE CONNECTION REGULATIONS<sup>1</sup>

#### SECTION

#### 18-301. General provisions.

**18-301. General provisions.** A patron shall not have water utilities services furnished and water therefor measured through one meter only to furnish such water utilities service to more than one principal building or structure including necessary and usual customary detached garage or other out-buildings and other facilities including outside water hydrant, swimming pool and the like, on the same or adjacent premises. If any patron is or hereafter may secure water utilities services and have the water measured through one meter to furnish water to more than one such principal building or structure with garage, out-buildings and other facilities as aforesaid, on the same or adjacent premises, the Lawrenceburg Public Utility Systems is authorized and directed to, upon giving ten (10) days written notice to such patron thereof with request to make other necessary water service connections and pay the fees or charges therefor as provided under this chapter, and upon the failure, neglect or refusal of such patron to make such other water service connections and pay the fees or charges therefor, to disconnect such water utilities services of such patron and discontinue water utilities services to such patron, including, if necessary the removal of the water meter. Thereafter water utilities service shall not be reconnected and such patron be furnished water utilities service until such additional water service connection or connections are made, and the proper fees or charges therefor paid, and the patron also pays the fees for reconnection as provided under other applicable regulations of the Lawrenceburg Public Utility Systems. And it is hereby declared to be unlawful for any patron to violate the provisions of this subsection, and upon conviction, the patron as the offender shall be guilty of a misdemeanor and shall be fined an amount not exceeding state authorized limits for each violation. Each day

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<sup>1</sup>Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

in which any such violation shall continue shall be deemed a separate offense.  
(1999 Code, § 18-602, modified)

## CHAPTER 4

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

18-401. Construction, operation, and supervision.

18-402. Violations.

**18-401. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Lawrenceburg Board of Public Utilities. (1999 Code, § 18-703, modified)

**18-402. Violations.** Anyone violating this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding state authorized limits for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

## CHAPTER 5

### WATER AND SEWERS<sup>1</sup>

#### SECTION

18-501. Water meters.

18-502. Raw water supply protection.

**18-501. Water meters.** It shall be unlawful for any person to tamper with the water meters of the Lawrenceburg Board of Public Utilities; to remove the lid or top from a meter box; to change or alter any meter in any way so that it will not properly register the amount of water used; or to tamper with a water meter in any way after it has registered the amount of water used, or in any way make the meter show an incorrect amount. Provided, that the above shall not apply to utility employees performing their duty.

Anyone violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding state authorized limits for each violation. (1999 Code, § 18-801, modified)

**18-502. Raw water supply protection.** (1) It shall be unlawful for any person or persons to swim, bathe, dive, or to commit any other acts which may cause a disturbance of the silt in the creek, in that portion of Shoal Creek between the weir or dam across said creek at the raw water in-take for the water system of the Lawrenceburg Board of Public Utilities, and a point about one hundred seventy-five (175) feet eastwardly of same; and such acts are hereby prohibited.

(2) It shall also be unlawful for any person, persons, firm or corporation, to dump or throw, or cause to be dumped or thrown, into said Shoal Creek and its tributaries above the weir or dam across said creek at the water in-take for the water system of the Lawrenceburg Board of Public Utilities, any refuse, garbage, raw sewage, dead animals, or any other matter or items which may contaminate said creek or the water in same; and such acts are hereby prohibited.

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<sup>1</sup>Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

(3) The violation of any of the provisions of subsections (1) and (2) of this section shall be a misdemeanor, and upon conviction the offender shall be punished by an amount not exceeding state authorized limits for each violation; provided, that if the offender be a minor under the age of eighteen (18) years, any policeman of the City of Lawrenceburg is empowered and authorized to take into custody such minor offender and take him or her before the Juvenile Judge of said County of Lawrence, to be dealt with under juvenile court procedure, and if such offender be past eighteen (18) years of age, to cite such offender to city court for proper action under the laws of Tennessee, and the ordinances of the City of Lawrenceburg.

(4) It is hereby declared that the object and purpose of this chapter is to protect the water supply of the City of Lawrenceburg, and the health, peace and comfort of the citizens of Lawrenceburg, Tennessee, and other users of water from the water system of the Lawrenceburg Board of Public Utilities. (1999 Code, § 18-805, modified)

## CHAPTER 6

### STORM WATER MANAGEMENT ORDINANCE

#### SECTION

- 18-601. Purpose.
- 18-602. Method.
- 18-603. Technical guidelines.
- 18-604. Submittal requirements.
- 18-605. Validity.
- 18-606. Ordinance in force.

**18-601. Purpose.** To provide a site specific approach to storm water management considering the effects of proposed land development and the defined uses of the down stream property. The approaches utilized to control runoff will be examined on a case-by-case basis with consideration for public safety and welfare. The designs utilized will be selected with consideration for protection of property and quality of runoff to promote the overall good of the community both now and in the future. In all cases structures will have their finished floors located a minimum of one foot above the 100-year flood elevation as defined by the Federal Emergency Management Administration (FEMA). (as added by Ord. #998, Oct. 2005)

**18-602. Method.** The accepted method of quantifying changes in runoff has been selected to provide a simple yet effective means of estimating the impact of development on a site. The excess runoff created by the proposed development will be compared to the predevelopment runoff by means of the following calculations. Should disturbed areas in excess of one hundred (100) acres be encountered the method of quantifying runoff will be subject to review and approval by the city.

(1) **Rational method.** The method utilizes a worst-case condition at the point of discharge during a design storm of fixed intensity. The formula for quantifying runoff utilizing the rational formula is given as:

$Q = CIA$  where:

$Q$ = quantity of runoff in cubic feet per second.

$C$ = coefficient of runoff dimensionless.

$I$ = rainfall intensity in inches per hour for a given storm event

$A$ = size of the disturbed area in acres.

(a) **Runoff coefficient.** The runoff coefficient will vary depending on the slope and surface materials for the site. A weighted coefficient can be obtained for predevelopment and post development conditions by selecting values from Table 1 and averaging them according to the size of contribution in the disturbed area.

(b) **Rainfall intensity.** The rainfall intensity is derived by calculating the time of concentration. Time of concentration is the time it takes runoff water to reach the downstream point of discharge in the disturbed area from the farthest point upstream in the disturbed area. The method for calculating this time in minutes is given by Figure 1<sup>1</sup>. In no case will time of concentration be less than five (5) minutes. Once a time of concentration has been determined the rainfall intensity can be selected from the chosen storm event curve. Rainfall intensity curves are shown in Figure 2.

(c) **Area.** This is the disturbed area in acres. It will be the same value for both the predevelopment and post development conditions. (as added by Ord. #998, Oct. 2005)

**18-603. Technical guidelines.** (1) **Drainage system.** The city consists of four main drainage basins that have different degrees of runoff sensitivity depending on the current or proposed land use. The design storm interval for runoff in each basin is defined as follows for purposes of runoff calculations:

Drainage basin 1	10-year storm event
Drainage basin 2	10-year storm event
Drainage basin 3	10-year storm event
Drainage basin 4	25-year storm event

The definition of these drainage basins is shown in Figure 3. The drainage system within a drainage basin is made up of major and minor components defined as follows:

(a) **Major drainage components.** Drainage components with fifty (50) cubic feet per second or greater capacity are considered major and will be designed to pass a 100-year storm event. Development is encouraged to utilize natural drainage as major components wherever possible to prevent the disturbance of existing runoff patterns.

(b) **Minor drainage components.** Minor drainage components are those with a capacity of less than fifty (50) cubic feet per second. These components will be designed to pass a 10-year storm including an overflow design in the event of failure to be diverted to the major drainage system with no damage to property.

(2) **Design storm.** All storm events utilized for design are based on the National Weather Service records for Nashville, Tennessee for a 24-hour rain event (see Figure 2). The design frequency interval utilized will vary depending on the function and location of the drainage: component as defined elsewhere in this ordinance.

(3) **Retention/detention ponds.** The use of drainage ponds is encouraged where excessive runoffs from newly developed property threaten the

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<sup>1</sup>Figures are included at the end of this chapter.

capacity of downstream drainage structures Ponds are designed to delay runoff until sufficient time has elapsed to provide the needed capacity to pass the design storm downstream. Utilization of the retention/detention pond as a storm water control feature is subject to the following rules and regulations.

(a) Residential, commercial or industrial site developers are responsible for the overall development of site detention/retention. Detention/retention improvements must be completed or the developer must post a performance bond or a letter of credit approved by the Lawrenceburg Regional Planning Commission before the developer can transfer ownership

(b) Sites with a developed increase of less than ten (10) percent, not exceeding ten (10) cubic feet per second total runoff are not required to have detention/detention ponds as a storm water control feature.

(c) Sites with direct discharge to a USGS blueline stream are not required to have detention/retention ponds as a storm water control feature.

(d) Detention/retention ponds will have a warranty period of one (1) year from date of completion and successful operation.

(e) Detention/retention outlet structures will be designed to provide water polishing in cases where potential pollutants may be discharged.

(f) Detention/retention ponds will be provided with spillway structures sized to pass the 100-year storm event.

(g) All detention/retention ponds will have an outlet structure that is designed to accommodate downstream flow without increased erosion.

(h) If the drainage way downstream of the point of discharge a distance of one tenth of the longest reach of the developed property is shown to have a capacity for the increased runoff then the site is not required to have detention/retention pond as a storm water control feature.

(i) Modifications to detention/retention ponds will require design calculations by a design professional to verify proper performance under this ordinance and approval by the Lawrenceburg Regional Planning Commission.

(4) Offsite improvements. Existing offsite drainage system improvements may be utilized to accommodate increases in runoff. These improvements are subject to the written approval of the affected property owner and the city.

(5) Exemptions. The following sites are exempt from the conditions of this ordinance:

(a) Sites with less than one half (1/2) acre of disturbed area.

(b) Single lot residential sites.



(6) Voluntary drainage improvement. Sites that voluntarily provide additional capacity for storm water runoff improvements within the corporate limits may be eligible for monetary relief. All relief is subject to a recommendation by the Lawrenceburg Regional Planning Commission to the Lawrenceburg Board of Mayor and Council for approval on a case-by-case basis.

(7) Maintenance. Drainage ways and structures, including detention/retention ponds, will be contained within permanent easements for maintenance access. The property owner will have the responsibility of maintaining all drainage system components contained within the site. For residential sites within the corporate limits, the property owner has the option of deeding drainage easements to the city after one year of successful operation. Transfer of ownership will relieve the property owner of all responsibilities pertaining to the drainage system including maintenance.

(8) Drainage structures under public roads. Culverts are to be sized to pass the specified storm without overtopping the roadway. The design storm event will be as follows for all minor drainage components.

- (a) Minor Residential Streets - 10-year storm;
- (b) Collector Streets - 25-year storm;
- (c) Arterial Streets - 50-year storm.

A drainage easement will be required to accommodate backwater created during the 100-year storm in the above listed conditions.

(9) Open channel drainage structures. (a) Ditches lined with grass are to have a maximum side slope of 3: 1 to allow proper maintenance.

(b) Ditches will be lined according to the velocity of the water conveyed as follows:

Grass 0-4 fps;

Riprap 4-8 fps;

Concrete >8 fps. (as added by Ord. #998, Oct. 2005, and amended by Ord. #1091, March 2012)

**18-604. Submittal requirements.** (1) Other Sources. All information requested by the city subdivision regulations.

(2) Hydrologic and hydraulic calculations. All calculations shall be submitted by a state approved design professional and organized in such a manner that each submittal shall contain:

(a) A drainage map with contours clearly outlining all pertinent drainage areas.

(b) The acreage of each drainage area

(c) Pre-development and post-development runoff coefficients (show calculations).

(d) Pre-development and post-development time of concentrations (show calculations) corresponding rainfall intensities or amounts.

(e) Predevelopment and post development peak flows.

- (f) Detention calculations with emergency spillway calculations.
- (g) Hydraulic calculations (submit copies of drainage charts showing results if nomographs are used) for each proposed drainage structure and/or open channel and for each immediate downstream structure.
- (h) Invert and over-topping elevations on all previously mentioned culverts.
- (i) Lowest Floor Elevation (LFE) for each building adjacent to a major drainage system (submit open channel flow calculations justifying LFE's).
- (j) Lowest floor elevation for each building adjacent to a designated floodplain area (submit flood map and flood profile map with development delineated). (as added by Ord. #998, Oct. 2005)

**18-605. Validity.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidation of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. (as added by Ord. #998, Oct. 2005)

**18-606. Ordinance in force.** This ordinance shall take effect immediately after its passage on second reading, the public welfare requiring it. At such time as current planned improvements are made to the major drainage components in basin 4 the requirement for 25-year storm interval will be revised to 10-year storm interval. (as added by Ord. #998, Oct. 2005)

## APPENDIX A

### **DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of the provisions of these regulations in addition to those terms defined in the Ordinance, unless specifically stated otherwise:

Closed Conduit - Pipes, tiles, boxes, arches or tunnels used to carry storm water runoff.

Culverts - Pipes, tiles, boxes, arches or tunnels used to carry storm water runoff underground to improve safety or comfort. Culverts are constructed from concrete or corrugated metals.

Detention - A water impoundment that temporarily contains storm water runoff to reduce the peak flow and pollutants entering the receiving waters.

Drainage - The action or method of draining storm water runoff.

Drainage area - A part of the surface of the earth that is occupied by and provides surface water runoff into a drainage System.

Drainage basin - A drainage area or a group of drainage areas that consist of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

Drainage network - A combination of culverts and/or open channels used in conjunction to conduct flowing water (usually storm water runoff) to an adequate discharge point.

Drainage structure - Consists of a variety of components in the drainage system ranging from culverts, catch basins and manholes to emergency spillways.

Drainage Way - A natural or artificial watercourse, with definite or indefinite boundaries to confine or conduct continuously or periodically flowing water.

Emergency spillway - Usually a concrete structure used to safely discharge temporarily stored storm water runoff over a berm or dam into a receiving channel.

Invert elevation - The elevation of the bottom of a culvert at the opening, "Invert In" is the upstream invert elevation, and "Invert Out" is the downstream invert elevation of a culvert.

Lowest floor elevation - 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 and in an area other than the basement area, is not considered a building's lowest floor.

Nomograph - A chart used to graphically determine engineering design values. Nomographs are commonly used to size culverts, predict time-of-concentrations, and to estimate peak flows.

One hundred-year design flow - The peak flow of storm water runoff that is produced by the precipitation of a storm that has a one percent (1%) probability of occurring any given year.

One hundred-year flood elevation - For the City of Lawrenceburg, this is the highest floodwater elevation as a result of the one hundred-year design flow at each point along the major storm drainage system.

Open channel - A storm water runoff conduit flowing by the forces of gravity. Open channels consist of rivers, creeks, swales or depressions, roadway gutters and possibly culverts.

Over-topping elevation - The elevation where storm water runoff first crosses a road, berm, dam or emergency spillway.

Peak Flows - The highest volume of storm water runoff over a constant time interval to pass through a known location, usually measured in cubic feet per second (cfs).

Point of discharge - The downstream location at which runoff leaves the property Post Development The site as it exists after full development has occurred.

Pre-development - The site as it exists before any development or additional development has taken place.

Rainfall intensities - The amount of rainfall over a specific time period, usually measured in inches per hour (in./hr.).

Retention - A Water impoundment that permanently contains water, but also temporarily stores storm water runoff to reduce the peak flow and pollutants entering the receiving waters.

Runoff - The actual amount of precipitation that does not infiltrate into the ground or get stored naturally in depressions, and eventually reaches receiving waters.

Runoff coefficients - A variable used in hydrology equations to predict the amount of storm water runoff produced from a given amount of precipitation.

Site - All contiguous land and bodies of water in one ownership, graded or proposed for grading or development as a unit, although not necessarily at One time.

Storm frequency - A probability of a certain amount of precipitation to occur from a storm in any given year. (i.e. 10-year storm frequency defines a storm of having a 1/10 probability of occurring any given year; 100-year storm frequency defines a storm of having a 1/100 probability of occurring any given year .

Storm water - A measurable amount of rainfall.

Storm water runoff - The volume of rainfall which is not absorbed or stored over a specific time interval, usually measured in cubic feet per second (cfs).

Ten-year design flow - The peak flow of storm water runoff that is produced by the precipitation of a storm that has a ten percent (10%) probability of occurring any given year.

Time of concentration - Is estimated from the drainage areas characteristics and description of the drainage way. It is the time required for runoff to travel from the most remote point in the drainage area to the point in the drainage basin that is being analyzed. The most remote point is usually the furthest point in the drainage area from the point being analyzed.

Water impoundments - A permanent or temporary body of water with definite limits such as lakes, ponds, detention or retention facilities.

Watershed - A drainage area or a group of drainage areas that consist of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

## APPENDIX B

### References:

Hydrology - Research, Development and technology, U.S. Department of Transportation, Federal Highway Administration, October 1984.

Brentwood zoning ordinance - Developed by the City of Brentwood, Tennessee and its consultants.

Storm water management manual Volume 1, Regulations, Metropolitan Government of Nashville and Davidson County and its consultants, July 1988.

Storm water management - Volume 2, Procedures, Metropolitan Government of Nashville and Davidson County and its consultants, July 1988.

Figure 1

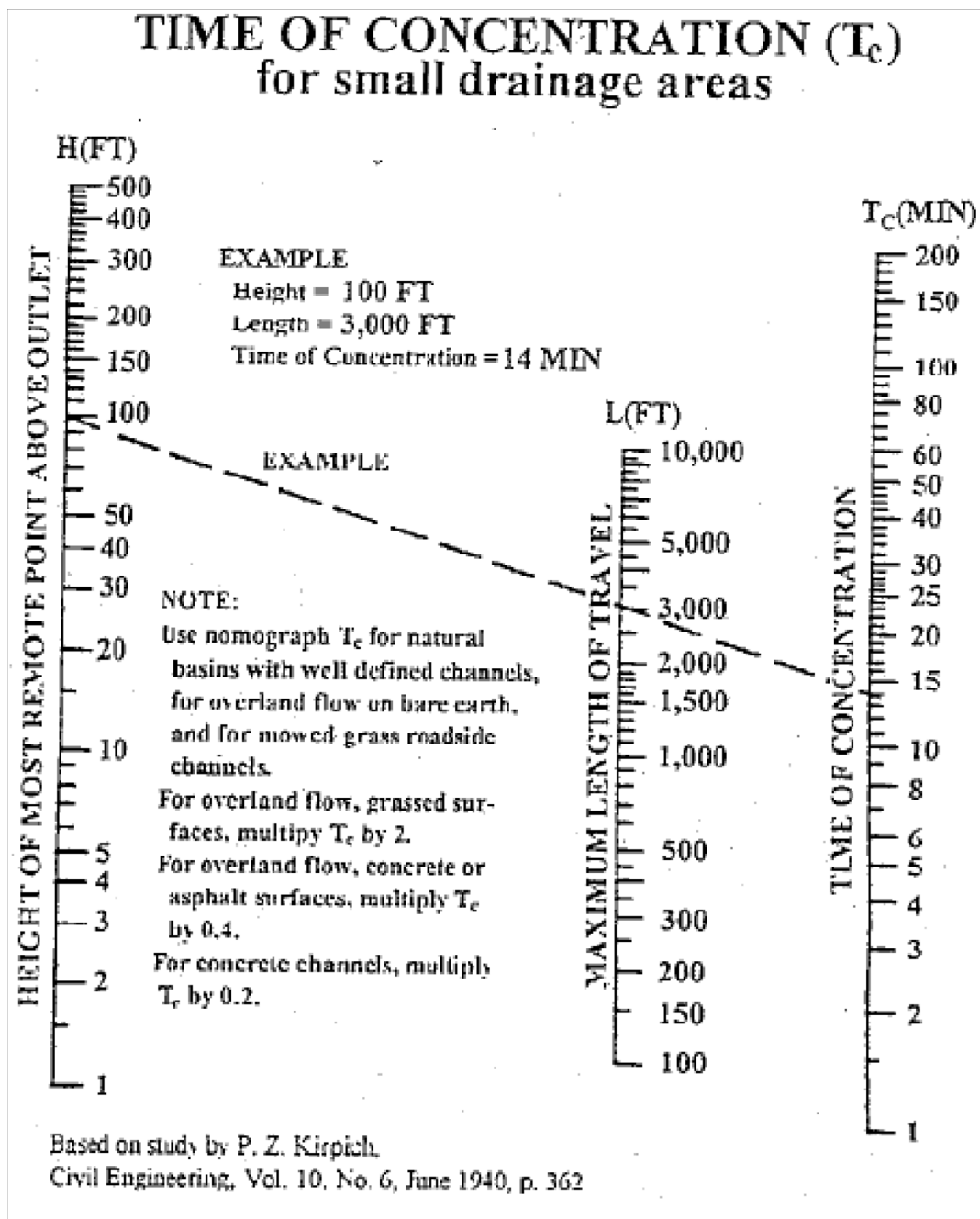


Figure 2

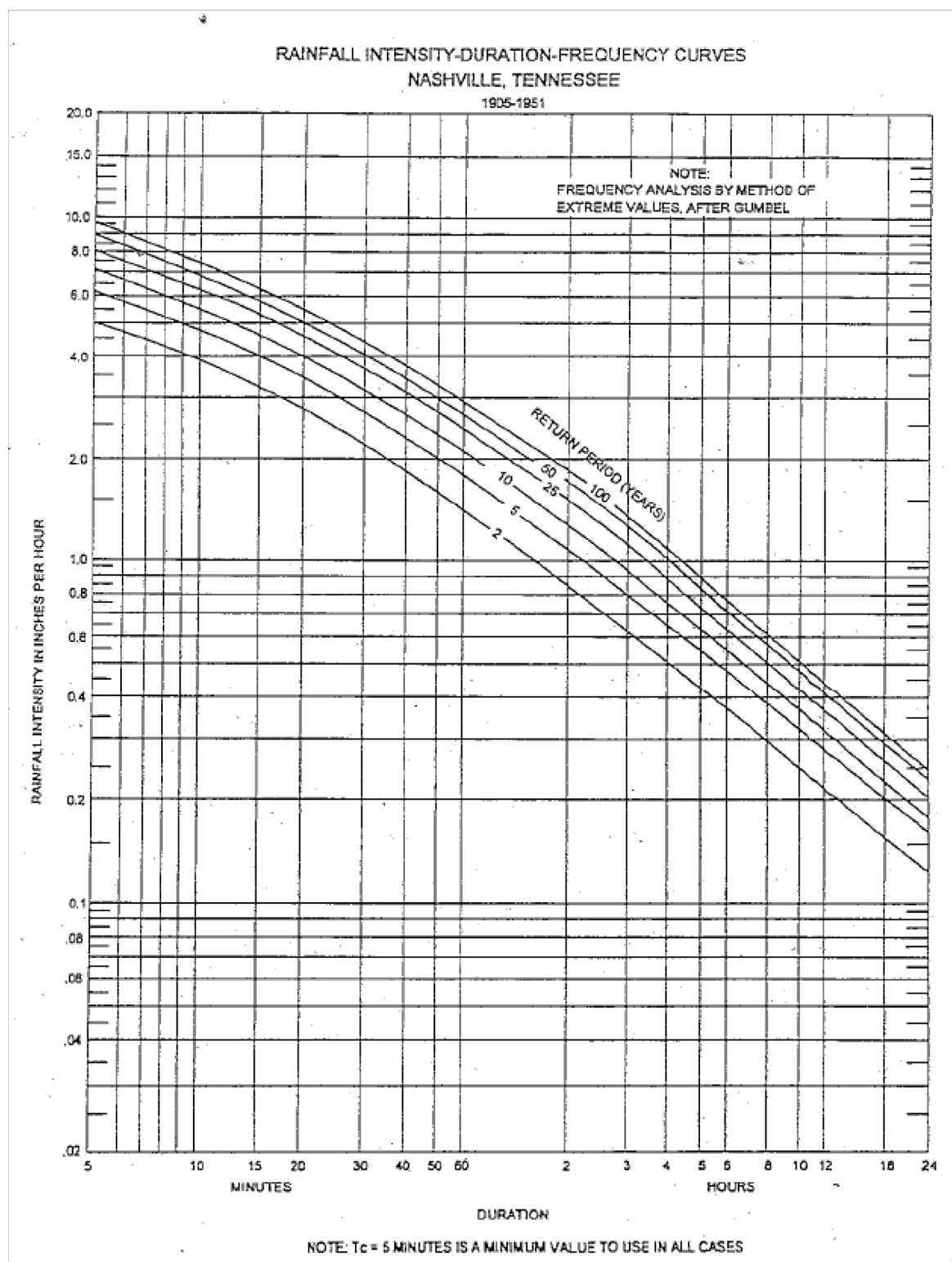




Figure 3

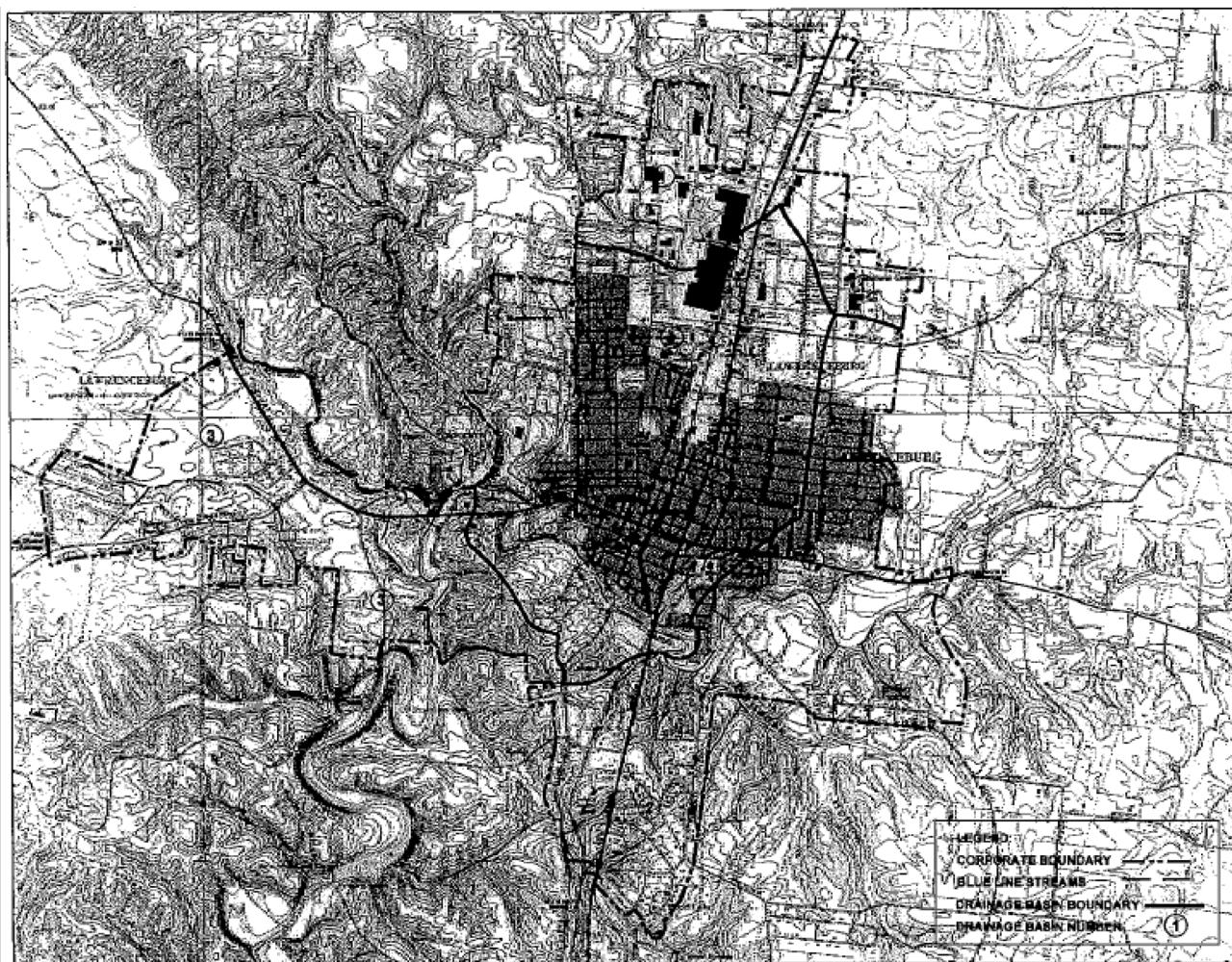


Table 1

\* RUNOFF COEFFICIENTS<sup>3</sup> FOR A DESIGN STORM RETURN  
PERIOD OF 10 YEARS OR LESS

Slope	Typical Land Use	Sandy Soils		Clay Soils	
		Min.	Max.	Min.	Max.
Flat	Woodlands	0.10	0.15	0.15	0.20
(0-2%)	Pasture, grass, and farmland <sup>15</sup>	0.15	0.20	0.20	0.25
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements	0.75	0.95	0.90	0.95
" Rolling	Woodlands	0.15	0.20	0.20	0.25
(2-7%)	Pasture, grass, and farmland	0.20	0.25	0.25	0.30
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements <sup>6</sup>	0.80	0.95	0.90	0.95
Steep	Woodlands	0.20	0.25	0.25	0.30
(7%+)	Pasture, grass, and farmland <sup>15</sup>	0.25	0.35	0.30	0.40
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements <sup>6</sup>	0.85	0.95	0.90	0.95

<sup>15</sup>Weighted coefficient based on percentage of impervious surfaces and green areas must be selected for each site.

<sup>6</sup>Coefficients assume good ground cover and conservation treatment.

<sup>6</sup>Depends on depth and degree of permeability of underlying strata.

Specific Zoning Classification	Runoff Coefficients
Residential	
R-1	0.25-0.35
R-2	0.40-0.50
R-3	0.45-0.55
R-4	0.65-0.75
Commercial	
C-1	0.85-0.95
C-2	0.70-0.80
C-3, C-4, C-5	0.65-0.75
Industrial	
I-1	0.80-0.90
I-2	0.75-0.85

Note: For specific zoning classifications, the lowest range of runoff coefficients should be used for flat areas (areas where the majority of the grades and slopes are 2 percent and less). The average range of runoff coefficients should be used for intermediate areas (areas where the majority of the grades and slopes are from 2 percent to 7 percent). The highest range of runoff coefficients should be used for steep areas (areas where the majority of the grades and slopes are greater than 7 percent).

Reference: Coefficient values adapted from DeKalb County (1976).  
Zoning classification data derived from Zoning Regulations of the City of Lawrenceburg, Tennessee (1993).

**TITLE 19****ELECTRICITY AND GAS<sup>1</sup>****CHAPTER**

1. ELECTRICITY.
2. GAS SERVICE.

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

19-101. Electric meters; tampering prohibited.

**19-101. Electric meters; tampering prohibited.** (1) It shall be unlawful for any person, persons, firm or corporation to tamper with the meters used for measuring the electric current and power furnished and distributed by the Lawrenceburg Board of Public Utilities as to cause any such meter or meters to register and show an incorrect amount of current and power used; and for any one in any way to wire a meter, or in any way to attach a wire or wires to the distribution lines of the electric light and power system of the Lawrenceburg Board of Public Utilities in order to stop or which may stop such meter from running and measuring or registering the correct amount of current used and consumed; or to use a scheme, artifice or device in interfering with the correct measuring of electric current and power by such meter or meters.

(2) Any person, persons, firm or corporation, violating the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be fined an amount not exceeding state authorized limits for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (1999 Code, § 19-101, modified)

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<sup>1</sup>Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

<sup>2</sup>Municipal code reference  
Electrical code: title 12.

## CHAPTER 2

### GAS SERVICE<sup>1</sup>

#### SECTION

19-201. Gas meters.

19-202. Penalty.

**19-201. Gas meters.** It shall be unlawful for any person to tamper with the gas meters of the Lawrenceburg Board of Public Utilities; to remove the lid or top from a meter box; to change or alter any meter in any way so that it will not properly register the amount of gas used; or to tamper with a gas meter in any way after it has registered the amount of gas used, or in any way make the meter show an incorrect amount. Provided, that the above shall not apply to utility employees performing their duty.

Anyone violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than the state authorized limits for each violation.

**19-202. Penalty.** Any person failing to comply with the provisions of this chapter or failing to comply with the rules and regulations of the gas system made pursuant to the powers herein granted, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) for each offense. Violation of this chapter on more than two (2) occasions during any thirty (30) day period shall result in the discontinuance of gas service. (1999 Code, § 19-314)

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<sup>1</sup>Municipal code reference

Gas code: title 12.

Ord. #943, July 2001, § 1 states:

"The Board of Mayor and Council of the City of Lawrenceburg, Tennessee, pursuant to the provisions of Tennessee Code Annotated, § 7-52-111, do hereby transfer to and confer upon the Lawrenceburg Board of Public Utilities the jurisdiction over the City of Lawrenceburg's water department, sewage department and gas department, and does hereby transfer the responsibility for supervision and administration of the City of Lawrenceburg's water, sewer and gas departments to the Lawrenceburg Board of Public Utilities of the City of Lawrenceburg, Tennessee."

Section 5 of Ord. #943 provides:

"Title 19, Chapter 3 of the Lawrenceburg Municipal Code entitled 'Gas Service' is amended to comply with the provisions of this ordinance."

**TITLE 20****MISCELLANEOUS****CHAPTER**

1. FAIR HOUSING REGULATIONS.
2. EMERGENCY ALARM ORDINANCE.
3. LAWRENCEBURG MUNICIPAL AUDITORIUM.
4. PUBLIC RECORDS POLICY.
5. BOBBY BREWER MEMORIAL PARK BALLFIELD RESERVATION.
6. DEMOLITION LANDFILL FEES.

**CHAPTER 1****FAIR HOUSING REGULATIONS****SECTION**

- 20-101. Definitions.
- 20-102. Unlawful acts.
- 20-103. Exception.
- 20-104. Access to multiple-listing services, etc.
- 20-105. Complaints.
- 20-106. Violations.
- 20-107. Exhaustion of remedies.

**20-101. Definitions.** Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustee, trustees in bankruptcy, receivers and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (1999 Code, § 20-101)

**20-102. Unlawful acts.** Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make

unavailable or deny a dwelling to any person because of race, color, sex, religion, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, sex, religion, or national origin.

(3) To make, print, or publish, or cause to be made, printed or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, sex, religion, or national origin.

(4) To represent to any person because of race, color, sex, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, or national origin. (1999 Code, § 20-102)

**20-103. Exception.** Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin. (1999 Code, § 20-103)

**20-104. Access to multiple-listing services, etc.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, sex, religion, national origin. (1999 Code, § 20-103)

**20-105. Complaints.** Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the Housing Authority Board. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the board. Upon receipt of a complaint, the board shall promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the board finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with a violation of this chapter refused to furnish information to said board, that board may

request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and designated board, within fifteen (15) days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1999 Code, § 20-106, modified)

**20-106. Violations.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty not to exceed state authorized limits for each offense. (1999 Code, § 20-107)

**20-107. Exhaustion of remedies.** Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein; nor prevent any such person from seeking relief at any time under the Federal Civil Rights Act or other applicable legal provisions. (1999 Code, § 20-108)

## CHAPTER 2

### EMERGENCY ALARM ORDINANCE

#### SECTION

20-201. Title.

20-202. Definitions.

20-203. False emergency alarms.

20-204. Schedule of notice, warning, penalties and service costs.

20-205. Enforcement.

20-206. Penalty for offenses.

**20-201. Title.** This chapter shall be known as the emergency alarm ordinance." (as added by Ord. #1059, Aug. 2010)

**20-202. Definitions.** Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department that an emergency exists or that the services of either or both of these departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of a hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, facility or portion thereof wherein an alarm system is maintained, installed, or located.

(3) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or fire department a need for emergency response.

(4) "Central dispatch facility" means the central communications center designated by the board of mayor and council to receive, route and otherwise handle all incoming police, fire or other emergency service communications traffic.

(5) "False emergency alarm" means an alarm signal eliciting a response by the police and/or fire department when the situation requiring a response by the police and/or fire department does not in fact exist; but, this definition does not include an alarm signal which was caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. Also this



definition does not include an alarm signal caused by a situation that was brought under control prior to the calling out of responding police and/or fire department personnel, that otherwise would have required a response.

(6) "Service fee" means a fee to be assessed after the third false emergency alarm by an alarm user within a calendar year which will amount to the actual cost of the response by Lawrenceburg personnel including the cost of equipment, fuel, personnel, administration, on call fees, overtime and such other costs and expenses as determined by the appropriate chief. The service fee is not a penalty but rather a remedial fee. (as added by Ord. #1059, Aug. 2010)

**20-203. False emergency alarms.** (1) Whenever an alarm is activated in the City of Lawrenceburg thereby requiring an emergency response to the location of the alarm by the police and/or fire personnel, a police and/or fire officer on the scene of the activated alarm shall make a determination whether the emergency response was in fact required as indicated by the alarm system or whether the alarm system malfunctioned in some way and thereby activated a false emergency alarm. The determination is to be made by the police for police related alarms and by fire department personnel for fire related alarms.

(2) If a determination is made by officials of the City of Lawrenceburg that the activated alarm is determined to have been false and no emergency existed at the time of the alarm, then the officer of the City of Lawrenceburg shall submit a report of the false alarm to the respective chief of the police department or fire department. A written notification of emergency response and determination of the response shall be mailed and delivered to the alarm user at the address or location where the alarm was activated.

(3) Responsibility for a false emergency alarm shall be borne by the alarm user and/or the alarm user's employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false emergency alarm. (as added by Ord. #1059, Aug. 2010)

**20-204. Schedule of notice, warning, penalties and service costs.**

(1) It is hereby found and determined by the board of mayor and council that more than two (2) false alarms within a calendar year are excessive and constitute a public nuisance. The activation of three (3) or more false alarms within a twelve (12) month period of time will be handled in the following manner:

First false emergency alarm - Notice letter informing the alarm user of the provisions of this chapter.

Second false emergency alarm - Warning letter and notice to insure that the alarm system is to be in proper working order and that further false emergency alarms

will result in the imposition of a penalty and/or costs of providing such service.

Third false emergency alarm - A fine of up to twenty-five dollars (\$25.00) shall be imposed.

Fourth false emergency alarm and more - A fine of up to twenty-five dollars (\$25.00) for each false emergency alarm and the actual cost of such response by Lawrenceburg personnel including the costs of equipment, fuel, personnel, administration, on-call fees and such other costs and expenses as determined by the appropriate chief.

After the second false emergency alarms in a twelve (12) month period of time, each alarm user may be cited to the Lawrenceburg City Court for any response to a false alarm.

(2) No fine nor service fee may be assessed by the City of Lawrenceburg if it is determined that the false emergency alarm was caused by a violent act of nature in accordance with Tennessee Code Annotated, § 62-32-321. (as added by Ord. #1059, Aug. 2010)

**20-205. Enforcement.** Lawrenceburg police and fire department officers are specifically authorized to enforce the provisions of this chapter. Any Lawrenceburg police or fire officer may lawfully issue a citation to appear in city court to an alarm user whose alarm system has given a false alarm in excess of two (2) false alarms in a twelve (12) month period of time under the provisions of this chapter. (as added by Ord. #1059, Aug. 2010)

**20-206. Penalty for offenses.** Any person who violates any provisions of this chapter shall be guilty of a violation and upon conviction in city court shall be subject to a fine of not more than twenty-five dollars (\$25.00). In addition to the fine, city court costs will be assessed and service fees will be added pursuant to the provisions of this chapter for costs incurred associated the false emergency alarms. (as added by Ord. #1059, Aug. 2010)

## CHAPTER 3

### LAWRENCEBURG MUNICIPAL AUDITORIUM

#### SECTION

20-301. Establishment of non-refundable reservation fee.

**20-301. Establishment of non-refundable reservation fee.** (1) The Board of Mayor and Council of the City of Lawrenceburg, Tennessee hereby establishes a thirty dollar (\$30.00) per day non-refundable reservation fee for the use of the City of Lawrenceburg Municipal Auditorium.

(2) The fee shall be due and payable on reservations beginning January 1, 2015. Booking for the auditorium begins the first Monday in November.

(3) Governmental entities, Tennessee Valley Jamboree and the Lawrenceburg County Gospel Music Association are exempt from the said reservation fees. (as added by Ord. #1143, Aug. 2014)

## CHAPTER 4

### PUBLIC RECORDS POLICY

#### SECTION

20-401. Definitions.

20-402. Requesting access to public records.

20-403. Responding to public records requests.

20-404. Inspection of records.

20-405. Copies of records.

20-406. Fees and charges and procedures for billing and payment.

**20-401. Definitions.** (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. (See Tennessee Code Annotated, § 10-7-503(a)(1)(C).) The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See Tennessee Code Annotated, § 10-7-503(a)(1)(A).)

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-403(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See Tennessee Code Annotated, § 10-7-503(a)(1)(B).) The public records request coordinator may also be a records custodian.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-402. Requesting access to public records.** (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee at **jdicapo@lawrenceburgtn.gov** in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing, or email address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing on Form A<sup>1</sup> at Lawrenceburg Municipal Complex, 25 Public Square, Lawrenceburg, Tennessee 38464, by phone at **931-762-4459** or by email to **jdicapo@lawrenceburgtn.gov**.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at Lawrenceburg Municipal Complex, 25 Public Square, Lawrenceburg, Tennessee 38464 or by email to **jdicapo@lawrenceburgtn.gov**.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records. (as added by Ord. #1199, March 2017 *Ch4\_03-28-19*)

**20-403. Responding to public records requests.** (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the City of Lawrenceburg is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen;

(B) The request lacks specificity;

(C) An exemption makes the record not subject to disclosure under the TPRA;

(D) The City of Lawrenceburg is not the custodian of the requested records; or

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<sup>1</sup>Request for Inspection (Form A), and any amendments thereto, may be found in the recorder's office.

- (E) The records do not exist.
- (iii) If appropriate, contact the requestor to see if the request can be narrowed.
- (iv) Forward the records request to the appropriate records custodian in the City of Lawrenceburg.
- (c) The designated PRRC is: Joyce DiCapo
  - (i) Name or title: Executive assistant
  - (ii) Contact information: City of Lawrenceburg City Hall, 25 Public Square, Lawrenceburg, Tennessee 38464 or by phone at **931-762-4459**, or by email to **jdicap@lawrenceburgtn.gov**.
- (2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
  - (b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed public records request response form which is attached as Form B,<sup>1</sup> based on the form developed by the OORC.
  - (c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-403(1)(b)(ii) and may use the public records request response Form B.
  - (d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
  - (e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

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<sup>1</sup>Public records request response form (Form B), and any amendments thereto, are available in the recorder's office.

(3) **Redaction.** (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #1199, March 2017 ***Ch4\_03-28-19***)

**20-404. Inspection of records.** (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the City of Lawrenceburg shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #1199, March 2017 ***Ch4\_03-28-19***)

**20-405. Copies of records.** (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Lawrenceburg City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City of Lawrenceburg upon which the records will be downloaded. (as added by Ord. #1199, March 2017 ***Ch4\_03-28-19***)

**20-406. Fees and charges and procedures for billing and payment.** Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed ten dollars (\$10.00) the fees may be waived. (Requests for waivers for fees above ten dollars (\$10.00) must be presented to, the city administrator who is authorized to determine if such waiver is in the best interest of City of Lawrenceburg and for the public good.) Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) The actual cost of any other medium upon which a record/information is being produced.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(4) Payment is to be made in cash or check payable to the City of Lawrenceburg and presented to the city clerk.

(5) Payment in advance will be required when costs are estimated to exceed twenty dollars (\$20.00).

(6) Aggregation of frequent and multiple requests. (a) The City of Lawrenceburg will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If more than four (4) requests are received within a calendar month:

(i) Records requests will be aggregated at the department level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: agendas and approved minutes. (as added by Ord. #1199, March 2017 ***Ch4\_03-28-19***)



## CHAPTER 5

### **BOBBY BREWER MEMORIAL PARK BALLFIELD**

#### **SECTION**

20-501. Non-refundable reservation fee.

**20-501. Non-refundable reservation fee.** (1) The Board of Mayor and Council of the City of Lawrenceburg, Tennessee hereby establish a twenty-five dollar (\$25.00) per hour non-refundable reservation fee for the use of lighting at City of Lawrenceburg Bobby Brewer Memorial Park Ballfield; with a minimum of (2) hours per reservation, including all baseball, football, soccer and softball fields.

(2) The fee shall be due and payable on reservations beginning May 12, 2017.

(3) Cancellation due to weather may be rescheduled to another date, with no refund.

(4) The fee shall not apply to usage by Lawrenceburg League Teams, but is intended for usage by any team or organization not associated with Lawrenceburg League Teams. (as added by Ord. #1200, May 2017 *Ch4\_03-28-19*)

## CHAPTER 6

### **DEMOLITION LANDFILL FEES**

#### **SECTION**

20-601. Demolition landfill fees.

**20-601. Demolition landfill fees.** (1) Fees to be charged are forty-six dollars and fifty cents (\$46.50) per ton for Lawrence County residents and fifty-two dollars and fifty cents (\$52.50) for residents of other counties with a twenty-five (\$25.00) minimum fee.

(2) Contaminated load fees for Lawrenceburg Demolition Landfill will include an additional one hundred dollars (\$100.00) per ton of contaminated load. (as added by Ord. #1357, March 2023 ***Ch5\_04-27-23***, and amended by Ord. #1361, April 2023 ***Ch5\_04-27-23***)

# **ZONING ORDINANCE LAWRENCEBURG, TENNESSEE**

ORDINANCE NO. 789

ZONING ORDINANCE

LAWRENCEBURG, TENNESSEE PLANNING COMMISSION

PLANNING COMMISSION MEMBERS

PREPARED BY  
BOB HODGE, PRINCIPAL PLANNER

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
LOCAL PLANNING ASSISTANCE OFFICE  
SUITE 128  
446 METROPLEX DRIVE  
NASHVILLE, TENNESSEE 37211-3139

TELEPHONE: (615) 741-1534  
FAX NO.: (615) 532-1896

## AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
Sept. 9, 1994	810	Replaced Article V, Section 5.092, Section C. through c,1, a-f. also, section C.2
April 11, 1996	841	Amended Article IV, Section 4.086, e. (1), by deleting, maximum sign area of one hundred (100) square feet, from third sentence and replacing with maximum sign area of one hundred-fifty (150) square feet
April 11, 1996	842	Added Article III, Section 3.120, <u>Zero Lot Line Regulations</u> , added. (3.120; A, B, C, D, E.)
March 11, 1999	901	Amended Article IV, Section 4.086, added new Subsection 3, <u>Off-Premise Commercial Sign Lot</u>
October 21, 1999	911	Amended Article IV, Section 4.086, deleted text from Subsection 1, c, (1), and replaced with new text; deleted text from Subsection 1, d, (1), and (4), and replaced with new text; deleted text from Subsection 2, a, (1), and (3), and replaced with new text; and Subsection 2, a, (1), and (3), added new paragraph
May 4, 2000	926	Added Article V, Section 5.100--5.108, relative to airport zoning provisions
March 15, 2001	936	Amended Article IV, Section 4.130, <u>Minimum Design Standards for Transmission and Communication, Towers and Stations</u>
June 7, 2001	939	Replaced Article III, Section 3.120 in its entirety
March 7, 2002	950	Amended Article VII, Section 7.030, by adding a new Subsection 3
November 16, 2005	1014	Added Article IV, Section 4.140

July 24, 2008	1044	Amended Article VI, Section 6.021, C
August 12, 2010	1067	Amended Article V, Section 5.601, D
January 10, 2013	1103	Amended Article VII, Section 7.70, C
January 10, 2013	1108	Amended Article IV, Section 4.015, 2
December 12, 2013	1124	Amended Article II, Section 2.030, E, 18
January 26, 2017	1187	Amended Article V, § 5.071(F)(4)
January 26, 2017	1188	Amended Article V, § 5.072(F)(4)
January 26, 2017	1189	Amended Article V, § 5.061(F)(7)
January 26, 2017	1190	Amended Article V, § 5.062(G)
January 26, 2017	1191	Amended Article V, § 5.063(G)
January 26, 2017	1192	Amended Article V, § 5.064(G)
January 26, 2017	1193	Amended Article V, § 5.065(G)
January 26, 2017	1994	Amended Article III, § 3.100(E)
January 26, 2017	1995	Deleted Article IV, § 4.071(2)(g)
November 22, 2017	1217	Amended Article IV, § § 4.130(B), (C) and (G)
January 26, 2017	1220	Amended Article V, § 5.092(C)(d)
November 10, 2021	1324	Amended Article VII, § 7-080(I)2.b(1)
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**ARTICLE 1****ENACTMENT****SECTION**

1.010 Authority

1.020 Title

1.030 Purpose

1.040 Enactment

1.050 Repeal

**1.010 AUTHORITY**

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the City of Lawrenceburg, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations. (Ord. #789, June 1993)

**1.020 TITLE**

This ordinance shall be known as the Zoning Ordinance of Lawrenceburg, Tennessee, dated, June 18, 1993. The zoning map shall be referred to as the Official Zoning Map of Lawrenceburg, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance. (Ord. #789, June 1993)

**1.030 PURPOSE**

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- B. Preventing overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Minimizing traffic hazards and congestions.
- E. Preventing undue concentration of population.
- F. Providing for adequate light, air, privacy, and sanitation.
- G. Reducing hazards from fire, flood, and other dangers.
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- I. Encouraging the most appropriate uses of land.
- J. Enhancing the natural, man-made and historical amenities of Lawrenceburg, Tennessee. (Ord. #789, June 1993)

#### **1.040 ENACTMENT**

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building. (Ord. #789, June 1993)

#### **1.050 REPEAL**

The existing Zoning Ordinance of Lawrenceburg, Tennessee, December 31, 1970, as amended, is hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any

existing violation of said regulations, as amended, if the violation is also a violation of this ordinance. (Ord. #789, June 1993)

## ARTICLE II

### DEFINITIONS

#### SECTION

2.010 Scope

2.020 Definitions

2.030 Use Classification System

#### **2.010 SCOPE**

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied."
- F. The word "lot" includes the words "plot" or "parcel." (Ord. #789, June 1993)

#### **2.020 DEFINITIONS**

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

**ACCESS:** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**ACCESSORY BUILDING OR STRUCTURE:** A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

**ACCESSORY USE:** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**ADVERTISING:** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

**ADVERTISING SIGN OR STRUCTURE:** See SIGN.

**AGRICULTURE USE:** The use of a tract of land five (5) acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and wood, provided, however, all health codes of Lawrence County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries.

**AGRICULTURAL ACCESSORY USE.** Those structures or equipment which are normally required in the operation of agricultural uses.

**ALLEY:** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

**ALTERATION:** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

**AREA, BUILDING:** The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

**ATTACHED:** An enclosure having continuing walls, roof and floor.

**AUTOMOBILE WRECKING:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, found.

**AVERAGE GROUND ELEVATION:** The elevation of the mean finished grade at the front of a structure.

**BASEMENT:** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half ( $\frac{1}{2}$ ) of its height is above the average ground elevation or when subdivided and used for commercial activities.

**BOARD:** The Lawrenceburg, Tennessee Board of Zoning Appeals.

**BUFFER STRIP:** A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

**BUILDING:** Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

**BUILDING AREA OF A LOT:** That portion of a lot bounded by the required year yard, side yards, and the building setback line.

**BUILDING COMMISSIONER:** The Zoning Codes Officer or his authorized representative appointed by the Lawrenceburg City Commission.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

**BUILDING SETBACK LINE, REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**BUILDING SETBACK LINE, SIDE:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**BULK:** Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

**CAMPING GROUND:** A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**CITY COMMISSION:** The Lawrenceburg City Commission.

**CLINIC:** See MEDICAL FACILITY.

**CONDITIONAL USE (SPECIAL EXCEPTION):** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

**CONVENIENCE SALES:** The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.



**CONVENIENCE SERVICES:** Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

**COUNTRY CLUB:** A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

**COVERAGE:** The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

**DAY CARE HOME OR CENTER:** Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

**DEVELOPMENT:** Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

**DWELLING:** A building or part thereof used as a habitation under one of the following categories:

**Single detached dwelling** means a building and accessories thereto principally used, designed, or adapted for use by a single household.

**Duplex dwelling** means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

**Triplex dwelling** means a building and accessories thereto principally used, designed, or adapted for use by three (3) households, the living quarters of each of which are completely separate.

**Multi-family apartment or dwelling** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by four (4) or more households each of which has separate living quarters.

**Rooming house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

**Boarding house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

**Town house** means a residential structure containing four (4) or more nondetached dwelling units separated by a common vertical wall.

**Condominium** means an apartment building or townhouse containing four (4) or more dwelling units separated by a common vertical wall.

**Mobile home dwellings** means a detached one-family dwelling with all the following characteristics:

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.
- (3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

**Prefabricated dwelling** means a single detached dwelling constructed primarily offsite, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or onsite systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

**FAMILY**: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises

without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house.<sup>1</sup>

**FLOOR AREA:** The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**GASOLINE SERVICE STATION:** Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**HEALTH DEPARTMENT:** The Lawrenceburg County Department of Health and Environment.

**HEIGHT OF BUILDING OR STRUCTURES:** The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building structure.

**HOME OCCUPATION:** See Section 4.040.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 24.

**HOSPITAL:** See MEDICAL FACILITIES.

**JUNK YARD OR SALVAGE YARD:** A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

**LANDSCAPING:** The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

**LANDHOLDER:** The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

**LOADING SPACE:** An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

**LOT:** A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this ordinance.

**LOT, AREA:** The total surface land area included within lot lines.

**LOT, CORNER:** A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

**LOT, DEPTH:** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**LOT, FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The boundary dividing a given lot from the street, an alley or adjacent lots.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this ordinance.

**LOT WIDTH:** The width of a lot at the building setback line measured at right angles to its depth.

**MARINA:** A facility for the docking and servicing of boats.

**MEDICAL FACILITIES:**

**Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

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

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

**Public Health Center:** A facility utilized by a health unit for the provision of public health services.

**MOBILE HOME PARK:** Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**NONCONFORMING USE:** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

**NOXIOUS MATTER:** Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

**OPEN SPACE:** An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

**OWNER:** Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

**PARKING LOT:** An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

**PARKING SPACE:** An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

**PLANNED DEVELOPMENT:** A relatively large, interrelated commercial development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

**PLANNING COMMISSION:** The Lawrenceburg Regional Planning Commission.

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

**PRINCIPAL USE:** The specific primary purpose for which land or a building is used.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

**PUBLIC USES:** Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**ROADWAY:** The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

**SANITARY LANDFILL:** An area of site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

**SHOPPING CENTER:** A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

**SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE:** Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

**Business Sign:** A sign which directs attention to the business or profession conducted on the premises.

**Billboards:** A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

**Flashing Sign:** Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

**Ground Sign:** A sign supported by a pole, uprights, or braces on the ground.

**Illuminated Sign:** A sign designed to give forth any artificial light or reflect such light from an artificial source.

**Indirect Illumination Sign:** Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

**Marquee Sign:** A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

**Off-Premises Sign:** A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

**On-Premises Sign:** A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

**Pole Sign or Banjo Sign:** A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

**Roof Sign:** A detached sign supported upon the roof or wall of a building.

**Temporary Sign:** Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

**Wall or Flat Sign:** Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

**SPECIAL EXCEPTION:** A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

**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 between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than one-half ( $\frac{1}{2}$ ) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.



**STREET:** A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

**TOXIC MATERIALS:** Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

**TRAVEL TRAILER:** A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

**TRAVEL TRAILER PARK:** A plot of land designed and equipped to accommodate travel trailers for short periods of time.

**USE:** The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

**YARD:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

**YARD FRONT:** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

**YARD, REAR:** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

**YARD, SIDE:** The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard. (Ord. #789, June 1993)

## **2.030 USE CLASSIFICATION SYSTEM**

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Triplex  
Dwelling, Mobile-Home  
Dwelling, Multi-Family  
Mobile Home Park

b. Semi-Permanent

Boarding House  
Rooming House

2. Community Facility Activities

Administrative  
Community Assembly  
Community Education  
Cultural and Recreation Services  
Essential Service  
Extensive Impact  
Health Care  
Intermediate Impact  
Personal and Group Care Facilities  
Religious Facilities

3. Commercial Activities

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative

Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft, and Related Equipment Sales,  
Retail and Delivery  
Wholesale Sales

4. Manufacturing Activities

Limited  
Intermediate  
Extensive

5. Agricultural, Resources Production, and Extractive Activities

Agricultural Services  
Crop, Animal and Poultry Raising  
Mining and Quarrying  
Plant and Forest Nurseries  
Commercial Feed Lots and Stockyards

B. Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living

arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached  
 Dwelling, Duplex  
 Dwelling, Triplex  
 Dwelling, Mobile Home  
 Dwelling, Multi-Family (apartment, townhouse)  
 Mobile Home Park

## 2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding House  
 Rooming House

## D. Community Facility Activities

### 1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices  
 Civil Defense Facilities  
 Court Buildings

Fire Department Facilities  
Police Department Facilities  
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations  
Private (nonprofit) Clubs, Lodges, Meeting Halls, and  
Recreation Centers  
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Public and Private Nursery Schools  
Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit.  
These activities would include:

Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, Air Cargo Terminals, Heliports, or Other  
Aeronautical Devices  
Correction and Detention Institutions  
Electricity Generating Facilities and Transmission Lines  
Garbage Incineration Plants, Including Cogeneration Facilities  
And Sanitary Landfills  
Major Fuel Transmission Lines and Facilities  
Major Mail Processing Centers  
Military Installations  
Public and Private Utility Corporations and Truck Yards,  
Including Storage Yards  
Railroad Yards and Other Transportation Equipment Marshalling  
And Storage Yards

7. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professional:

Centers for Observation or Rehabilitation  
Convalescent Homes  
Hospitals  
Medical Clinics

8. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and

typically performed by, or the maintenance and operation of the following institutions or installations.

Cemeteries, Columbariums, and Mausoleums  
 Colleges, Junior Colleges, and Universities, but Excluding  
     Profit-Making Business Schools  
 Commercial Boat Docks, Marinas, and Yacht Clubs  
 Golf Courses  
 Water Storage Facilities, Water and Sewage Treatment Plants  
 Radio and TV Transmission Facilities  
 Country Clubs

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons  
 Day Care Centers  
 Group Homes for Physically or Mentally Handicapped Persons  
 Nursing Homes  
 Retirement or Rest Homes  
 Orphanages

10. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels  
 Churches  
 Convents or Monasteries  
 Sanctuaries  
 Synagogues  
 Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto Parking Lots

Parking Garages

3. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto Cleaning and Repair Services

Auto Glass Repair and Replacement Shops

Auto Inspection and Diagnostic Services

Auto Paint Shops

Auto Towing Services

Car Washes

Gasoline, Fuel, and Oil Sales and Service

Radiator and Muffler Shops

Tire Retreading and Repair Shops

Wheel Alignment and Transmission Repair Shops

4. Building Materials and Farm Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.



Farm Equipment and Supplies  
Feed Milling and Sales  
Heating, Plumbing, and Electrical Supplies  
Lumber and other Building Material Dealers  
Retail Nurseries, Lawn and Garden Supply Stores  
Seed Storage and Sales

5. Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith Shops  
Electrical Repair Shops  
Gunsmith Shops  
Instrument Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Watch, Clock, and Jewelry Repair  
Lawn Mower Repair Shop

6. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental onsite construction and storage.

Builder's Hardware  
Carpentering Contractors  
Concrete Contractors  
Excavation Contractors  
General Building Contractors  
Glazing Contractors  
Highway and Street Construction Contractors  
Masonry, Stonework, Tile Setting, and Plastering Contractors  
Painting, Paper Hanging, and Decorating Services  
Plumbing, Heating, and Electrical Contractors  
Roofing and Sheet Metal Contractors

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops  
Beauty Shops  
Drug Stores  
Fruit and Vegetable Markets  
Grocery Stores  
Hardware Store (no outside storage)  
Laundry and Dry Cleaning Pick-up Stations  
Liquor Stores  
News Stands  
Self-Service Gasoline Pumps  
Tobacco Shops

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Art Galleries (Commercial)  
Batting and Golf Driving Ranges  
Bowling Alleys and Billiard Parlors  
Coin Operated Amusement Arcades  
Dance Halls and Studios  
Exhibition Halls and Auditoriums  
Recording and TV Production Services  
Skating Rinks  
Theaters  
Theatrical Producers, Bands, Orchestras, and Entertainers

9. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also

include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers and Appraisers  
Rediscount and Financing Institutions for Credit Agencies  
    Other Than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
    Title Offices

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants  
Taverns

11. Food Service Drive-In

Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

Drive-In Restaurants  
Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

- Advertising Agencies and Services
- Commercial Cleaning Services
- Commercial Testing Laboratories
- Communications Services
  - Radio and Television Broadcasting Studios
  - Telegraph Offices and Message Centers
  - Telephone Exchanges and Relay Towers
  - Television and Recording Production Studios
- Computer and Data Processing Services
- Credit Reporting, Adjustment, and Collection Agencies
- Detective Agencies and Protective Services
- Drafting Services
- Employment, Personnel, and Temporary Help Services
- Exterminating Services
- Interior Decorator and Consulting Services
- Mailing, Reproduction, and Commercial Art Services
- Management, Consulting, and Public Relations Services
- Membership Organizations
  - Automobile Clubs
  - Better Business Bureaus
  - Chamber of Commerce
  - Labor Unions
  - Political Organizations
  - Professional Associations
- News Syndicates
- Photofinishing Services
- Research and Development Laboratories
- Trading Stamp Services
- Travel Agencies
- Vehicular and Equipment Rental and Leasing Services

13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel, unless otherwise permitted herein.

- Catering Services
- Laundry, Cleaning, and Garment Services
- Miscellaneous Personnel Services
- Clothing Rental Agencies
  - Health Spas

Photographic Studios  
Shoe Repair and Hat Cleaning Shops  
Special Training and Schooling Services  
    Art and Music Schools  
    Barber and Beauty Schools  
    Business Schools  
    Dancing Schools/Exercise Studios  
    Driving Schools

14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services, but excluding goods and services listed in the other classifications herein.

Antique and Second Hand Merchandise Stores  
Automotive Parts (No exterior storage)  
Book and Stationery Stores  
Camera Stores  
Candy, nut and Confectionary Stores  
Children's and Infant's Stores  
Dairy Products Stores  
Department Stores  
Drapery, Curtain, and upholstery Stores  
Drug Stores and Proprietary Stores  
Family Clothing Stores  
Floor Covering Stores  
Florists  
Fruit Stores and Vegetable Markets  
Furniture Stores  
Furriers and Fur Shops  
Gift Shops  
Grocery Stores  
Hardware Stores  
Hobby, Toy, and Game Stores  
Household Appliance Stores  
Jewelry Stores  
Liquor Stores  
Luggage Shops  
Meat and Seafood Markets  
Men's and Boy's Clothing and Furnishing Stores

Miscellaneous Apparel and Accessory Stores

- Bathing Suit Stores
- Custom Tailors
- Sports Apparel Stores
- Uniform Stores

Miscellaneous General Merchandise Stores

- Direct Selling Organizations
- Mail Order Houses

Miscellaneous Home Furnishings Stores

- Bedding and Linen Stores
- Cookware Stores
- Cutlery Stores
- Glassware and China Shops
- Lamp and Shade Shops
- Paint and Wallpaper Stores

Music Stores

News Stands

Radio and Television Stores

Retail Bakeries

Sewing and Piece Goods Stores

Shoe Stores

Sporting Goods Stores

Tobacco Shops

Variety Stores

Women's Accessory and Specialty Stores

Women's Ready-to-Wear Store

15. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks

Commercial Camp Grounds

Commercial Resorts

Commercial Sports Arenas and Playing Fields

Drag Strips

Race Tracts (Auto, Motorcycle, Dog, and Horse)

16. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services

Artist Studios (Excluding Commercial Artists)

Attorneys and Law Offices

Chiropractor Offices

Consulting Scientists

Dental Offices and Laboratories

Educational and Scientific Research Services

Engineering and Architectural Services

Optometrists

Physicians' Offices and Clinics (Out Patient Services)

Physiologists and Psychotherapists

Songwriters and Music Arrangers

Urban Planning Services

Writers and Lecturers

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels

Motels

Tourist Courts

18. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair

Food Lockers

General Warehousing  
Household Goods Storage  
Mini-Warehouses  
Packing and Creating Services  
Railroad, Bus and Transient Terminals  
Refrigerated Warehousing  
Truck Terminals Freight Handling Services

19. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

20. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Recreational Vehicle and Utility Trailer Dealers

21. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions  
Beer, Wine and Distilled Alcoholic Beverages  
Chemicals and Allied Products  
Drugs, Drug Proprietaries, and Sundries  
Electrical Goods and Appliances  
Farm Products Raw Materials  
Farm Supplies  
Furniture and Home Furnishings  
Groceries and Related Products  
Hardware, Plumbing, and Heating Equipment and Supplies



Lumber and Other Construction Materials  
 Machinery, Equipment, and Supplies  
 Metals and Minerals  
 Motor Vehicles and Automotive Parts and Supplies  
 Paper and Paper Products  
 Petroleum and Petroleum Products  
 Sporting, Recreational, Photographic, and Hobby Goods  
 Tobacco and Tobacco Products  
 Toys and Supplies

F. Manufacturing Activities

Manufacturing activities include the onsite production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Accessories  
 Art Objects  
 Bakery Goods  
 Beverages (Nonalcoholic)  
 Dairy Products  
 Instruments for Scientific, Medical, Dental  
     Engineering, and Other Professional Purposes  
 Optical Instruments and Lens  
 Printed Matter  
 Signs

- b. Activities and operations which include the following:

Book Binding  
 Data Processing Service  
 Photocopying  
 Photoengraving  
 Precision Machining of Dies, Jigs, and Fixtures  
 Printing  
 Publishing  
 Record Pressing

Upholstering  
Welding

2. Intermediate Manufacturing Activities

Include the following:

- a. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

Cotton Seed Oil  
Explosives  
Fireworks  
Organic Fertilizers

- b. Other activities and operations, except for the following:

Abrasive, Asbestos, and Nonmetallic Mineral Processing  
Arsenals  
Asphaltic Cement Plants  
Atomic Reactors  
Automobile Wrecking Yards, Scrap and Waste Materials  
Cement and/or Concrete Plants  
Chemical Manufacturing in Excess of One (1) Ton Per Day  
Cotton Ginning  
Fat Rendering  
Foundries  
Grain Milling  
Junk Yards  
Offal Processing  
Ore Reduction  
Paper Mills  
Petroleum Refining  
Pulp Manufacturing  
Radioactive Materials Waste Handling  
Rolling and Finishing of Ferrous Materials  
Slaughtering of Animals  
Smelting and Refining of Metals and Alloys  
Steel Works (other than those listed)  
Tanning  
Waste Disposal by Compacting or Incineration,  
as a Principal Use

3. Extensive Manufacturing Activities

Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals  
Atomic Reactors  
Explosives Manufacturing and Storage  
Fireworks Manufacturing  
Hazardous Wastes Storage and/or Transfer  
Radioactive Waste Handling  
Solid Waste Landfills  
Solid Waste Processing and Recycling  
Waste Incinerators, Including Hospital and Medical Waste

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals.

G. Agricultural, Resources Production, and Extractive Activities

1. Agricultural Services

Include Various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto:

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection Services  
Horticultural Services  
Soil Preparation Services  
Riding Stables  
Livery Stables

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing,

or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies

Farms

Raising of Plants, Animals, and Fish

Truck Gardens

4. Mining, Drilling and Quarrying

Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical Fertilizer and Nonmetallic Mineral Mining

Clay, Ceramic, and Refractory Minerals

Coal Mining

Crude Petroleum and Natural Gas Production

Metal Ore and Mineral Mining

Sand and Gravel Quarrying

Stone Quarrying

5. Plant and Forest Nurseries

Includes the cultivation for sale of horticultural, specialties, such as followers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest Nursery

Plant Nursery

(Ord. #789, June 1993, as amended by Ord. #1124, Dec. 2013)

## ARTICLE III

### GENERAL PROVISIONS

#### SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Structure on Any Residential Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Street
- 3.060 Corner Lots
- 3.070 Future Street Line
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Zero Lot Line Provisions

#### **3.010 SCOPE**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located. (Ord. #789, June 1993)

#### **3.020 ONLY ONE (1) PRINCIPAL STRUCTURE ON ANY RESIDENTIAL LOT**

Only one (1) principal structure and its accessory structures may hereafter be erected on any lot. This provision does not prohibit planned development complexes as permitted under Subsection 5.091, of this ordinance, multi-family dwellings or mobile home parks. (Ord. #789, June 1993)

#### **3.030 LOT MUST ABUT A PUBLIC STREET**

No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least forty (40) feet. (Ord. #789, June 1993)

#### **3.040 REDUCTION IN LOT AREA PROHIBITED**

No lot, even though it may consist of one 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 ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure. (Ord. #789, June 1993)

### **3.050 REAR YARD ABUTTING 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 as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (Ord. #789, June 1993)

### **3.060 CORNER LOTS**

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (Ord. #789, June 1993)

### **3.070 FUTURE STREET LINE**

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Lawrenceburg Mayor Thoroughfare Plan. (Ord. #789, June 1993)

### **3.080. OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED**

In all districts on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining walls. (Ord. #789, June 1993)

**3.090 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 (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without approval of the Lawrenceburg City Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations 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. (Ord. #789, June 1993)

**3.100 ACCESSORY USE REGULATIONS**

The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. An accessory use or structure on any residential lot shall not exceed sixty (60) percent of the total square footage of the principal structure on such lot. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot. (Ord. #789, June 1993, as amended by Ord. #1194, Jan. 2017 *Ch4\_03-28-19*)

**3.110 BUFFER STRIPS**

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than ten (10) feet in width at the point of abatement. The buffer strip shall be no less than ten (10) feet.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a four (4) foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the Board of Zoning Appeals. (Ord. #789, June 1993)

**3.120 ZERO LOT LINE PROVISIONS**

On appeal to the Board of Zoning Appeals zero side lot line setbacks will be allowed a "Special Exception" subject to the following provisions:

- A. All lots must have the minimum required lot width at the building setback for the zoning district.



- B. Any lot proposed for zero lot line provisions must have a revised plat approved that includes the revised setbacks and easements.
- C. If proposed or existing buildings are to be connected by a common wall, the building must meet all building and fire codes for the type of structure.
- D. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the buildings and both buildings must meet building and fire codes for type of structure.
- E. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the lot line.
- F. The side yard setback shall be increased by fifty (50) percent for all lots containing an open side yard.
- G. All other provisions of the zoning ordinance must be met.
- H. All commercial, industrial or multi-family use requesting this "Special Exception" must have site plan in compliance with Section 7.030, approved by the Planning Commission prior to consideration by the Board of Appeals.
- I. No more than the ten (10) individual lots or structures shall be connected on a single unbroken frontage. (Ord. #939, June 2001)

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Multi-Family Dwellings
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Alternative Provisions for Lot Size and the Location of Open Space
- 4.110 Development Standards for Automobile Wrecking, Junk and  
Salvage Yards
- 4.120 Development Standards for Cemeteries

#### **4.010 OFF-STREET PARKING REQUIREMENTS**

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half ( $\frac{1}{2}$ ) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9' x 18')) and such space shall be provided on each lot upon which

any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. Residential Activities

1. Permanent

a. Single-Family Detached and Attached; Two-Family Dwellings, Detached, Attached, Semi-Detached; Three-Family Dwellings, Detached, Attached, and Semi-Detached

Two (2) per each dwelling unit.

b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

c. Mobile Homes

Two (2) spaces per mobile home

d. Where Occupancy is to be Primarily Elderly Persons over the Age of Sixty (60)

The number of developed spaces may be reduced to one and one-half (1 ½) spaces per unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 ½) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (½) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area.

b. Swimming Pools

Thirty (30) percent of capacity in persons.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

d. Recreation Centers and Gymnasiums (Public/Nonprofit)

Fifty (50) percent of the capacity in persons.

2. Essential Public Transport, Communication, and Utility Services

a. Electric and Gas Substations

Two (2) spaces.

3. Administrative Services; Government Office

One (1) space for each three hundred (300) square feet of gross floor area.

4. Community Assembly

Fifty (50) percent of the capacity in persons.

5. Education Facilities; Public and Private Schools

a. Kindergarten and Nursery

One (1) space for each employee.

b. Elementary and Middle Schools, Grades 1-9

One (1) space per each employee or one (1) space per each five (5) seats in the auditorium, whichever is greater.

c. High School, Grades 7-12

One (1) space per each employee or one (1) space for each four (4) students in grades 7 through 10. One (1) space per each employee plus one (1) space per each two (2) students in grades 11 and 12.

d. Vocational or Trade Schools

One (1) space for each student plus one (1) space for each employee.

6. Extensive Impact Facilities

a. Airports, Heliports, or other Aeronautical Devices

One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area.

b. Detention or Correctional Institutions

One (1) space for each employee, plus one (1) space for each patrol car on largest shift.

c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities

Minimum of two (2) spaces. The planning Commission may require more.

d. Railroad, Bus, and Transit Terminals for Passengers

One (1) space for each one hundred (100) square feet of waiting room.

e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards

One (1) space for each employee.

f. Water and Sewage Treatment Plants

One (1) space for each employee.

7. Health Care Facilities

a. Hospitals

One and one-half (1 ½) spaces for each bed.

b. Medical or Dental Clinics

Three (3) spaces for each staff member or doctor or dentist.

8. Intermediate Impact Facilities

The number of required parking spaces will be determined by the Planning Commission, based on a site plan review.

9. Special Personal and Group Care Facilities

a. Day Care Centers and Family Day Care Homes

Two (2) spaces for each employee.

b. Family and Group Care Facilities

Two (2) spaces for every employee.

c. Nursing Homes or Convalescent Homes

One (1) space for each staff or employee, plus (1) space for each two (2) patients.

d. Retirement or Rest Homes

One (1) space for each staff member or employee plus, one (1) space for each two (2) residents.

10. Religious Facilities.

**All Uses:** One (1) space for each three (3) seats.

C. Commercial ActivitiesUSES LOCATED ON FREESTANDING SITES

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250 in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

<b>Activity-Type</b>		<b>Gross Floor Area (Square Feet)</b>
1.	<u>Retail Trade-Apparel and Accessories</u>	150
2.	<u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	Twenty-five (25) percent of the gross lot area shall be allocated to customer and employee parking spaces.
3.	<u>Retail-Building Materials, Farm Equipment and Hardware</u>	1,000 Plus one (1) space for each employee.
4.	<u>Retail Trade - Eating and Drinking Establishments</u>	100
5.	<u>Retail Trade - Food Stores</u>	
a.	Limited line convenience.	150

<b>Activity-Type</b>		<b>Gross Floor Area (Square Feet)</b>
b.	All other uses	150
6.	<u>Retail Trade - General Merchandise</u>	
a.	Department store	250
b.	Variety store	250
c.	Miscellaneous General Merchandise Store	250
7.	<u>Retail Trade - Home Furniture, Furnishings and Equipment</u>	250
8.	<u>Convenience Sales</u>	150
9.	<u>Wholesale Sales</u> (All uses)	1,000
10.	<u>Used Car Lots</u>	Twenty-five (25) percent of the gross lot area shall be devoted to customer parking spaces, all of which shall be off public right-of-ways.
<b><u>Service Activities</u></b>		
1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	300
2.	Automobile Services and Repair	One (1) space for each employee, plus two (2) spaces for each service bay.
3.	<u>Business Services</u> (All Uses)	400 Plus one (1) space for each employee.
4.	<u>Communication Services</u>	300
5.	<u>Contract Construction Services</u>	300
6.	<u>Equipment Repair Services</u>	300
7.	<u>Entertainment and Amusement</u>	
a.	Art Galleries	800



Activity-Type	Gross Floor Area (Square Feet)
b. Bowling Alleys	Five (5) spaces for each alley.
c. Billiard Parlor	250
d. Coin Operated Arcades	250
e. Commercial Recreation	
Dance Halls and Skating Rink	100
Golf Courses, Driving Range, Putt-Putt Course	As determined by Planning Commission
Exhibitions Halls, Auditoriums, Amphitheaters	Forty (40) percent of capacity in persons.
Riding Stables	Minimum of five (5) spaces plus one (1) for each employee.
Boat Docks, Boat Rental, Marinas Botanical or Zoological Gardens	One (1) space for each employee plus other spaces as determined by Planning Commission
f. Motion Picture Theater	One (1) space for each three (4) seats.
g. Motion Picture Theater- Drive-In	Reservoir of ten (10) percent above all spaces plus one (1) space for each employee.
h. Acting and Legitimate Dance Theater	One (1) space for each three (3) seats.
i. Recording, Television, and Radio Studios	Two (2) spaces for each employee.
j. Resorts and Group Camps	One (1) space for each employee at peak season plus other spaces as required by Planning Commission.
k. Fairgrounds, Amusement Parks, Carnivals, Circuses	Parking plan must be presented to and approved by the Planning Commission.

Activity-Type	Gross Floor Area (Square Feet)
8. <u>Finance, Insurance and Real Estate Services</u>  (All Uses)	200 Plus one (1) space per each employee.
9. <u>Gasoline Service Station</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee.
10. <u>Personal Services</u>  a. Funeral, Undertaking Services        b. All Other Services	One (1) space for each one hundred (100) square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) perma-seats plus one (1) for every twenty-five (25) square feet of parlor area where temporary seats are to be used.        150
11. <u>Professional Services</u>  a. Medical   b. All Other	Three (3) spaces per each employee.   250
12. <u>Transient Habitation</u>  a. Hotel, Motels, Tourist Homes or Courts   b. Sporting and Recreational Vehicle Camps	One (1) space for each room to be rented, plus one (1) space for each employee.   One (1) space for each travel vehicle or pad plus one (1) space per each employee.

Activity-Type	Gross Floor Area (Square Feet)
13. <u>Uses Within Commercial Complexes</u>	Where three or more commercial operations (retail, wholesale, or service activities) are grouped together such that they are a building or a common site, the number of parking spaces shall be five and one-half (5 ½) spaces per one thousand (1,000) square feet of gross leasable area.
D. <u>Industrial Activities</u>	One (1) space for each one thousand (1,000) square feet of gross floor area, or one (1) space per each employee during a single or two (2) successive shifts, whichever is greater. A minimum of five (5) spaces shall be provided for any establishment.
1. <u>Warehousing, Foods or Freight Transport, and Storage</u>	One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.
2. <u>Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards</u>	One (1) space for each one thousand (1,000) square feet of gross floor area.
E. <u>Other</u>	For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals. (Ord. #789, June 1993)

#### **4.011 Certification of Minimum Parking Requirements**

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces 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. (Ord. #789, June 1993)

#### **4.012 Combination of Required Parking Spaces**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one 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. (Ord. #789, June 1993)

#### **4.013 Remote Parking Spaces**

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use. (Ord. #789, June 1993)

#### **4.014 Extension of Parking Area into a Residential District**

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip. (Ord. #789, June 1993)

#### **4.015 Requirements for Design of Parking Lots**

1. 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.

2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
3. Entrances and exits for all off-street in such comply with the requirements of Section 3.090, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve. (Ord. #789, June 1993, as amended by Ord. #1108, January 2013)

#### **4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

Every building or structure hereafter constructed and used for business or trade involving the receiving 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 for Principal Building	Spaces Required (See Article II, for Definition)
0 to 9,999 square feet	One (1) space

10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for cash additional 20,000 square feet

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 100,000 square feet or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (Ord. #789, June 1993)

#### **4.030 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent 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 site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use 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, C-3, I-1, I-2, or F-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.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year 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. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales in any new subdivision which has been approved by the Planning Office Commission under the Lawrenceburg Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the IB, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures 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.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due

to physical or mental disability, and provided further that such a temporary structure does 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 a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Lawrence County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the Lawrenceburg Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does 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 Lawrence County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.



I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Lawrenceburg Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months. (Ord. #789, June 1993)

**4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS**

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations," all other uses that are not considered under one of these classifications are prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Appeals would meet the criteria of a major home occupation. (Ord. #789, June 1993)

**4.050 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met. (Ord. #789, June 1993)

**4.060 SWIMMING POOL RESTRICTIONS**

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to

be used solely for the enjoyment of the occupants and their guests of the property on which it is located. (Ord. #789, June 1993)

#### **4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS**

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 7.030. (Ord. #789, June 1993)

##### **4.071 Development Standards**

###### **1. General Standards**

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

###### **2. Detailed Standards**

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.

- b. Street sidewalks and onsite walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Lawrenceburg Subdivision Regulations.
- h. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- i. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view. (Ord. #789, June 1993, as amended by Ord. #1195, Jan 2017 **Ch4\_03-28-19**)

**4.072 Access and Parking Requirements****1. Access**

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.030 and 3.090, of this ordinance.
- b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

**2. Parking**

- a. Parking spaces shall be provided in accordance with Section 4.010, of this ordinance.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls. (Ord. #789, June 1993)

**4.073 Open Space Requirements**

Any common open space established within a multi-family dwelling development shall be subject to the following:

**1. Quality Use and Improvement of Common Open Space**

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.

- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

## 2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment

by the association can become a lien on the homeowner's property for failure to pay.

- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. (Ord. #789, June 1993)

**4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

**4.081 Intent and Objectives**

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;

- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;
- d. protect the value of property and improvements thereon;
- e. permit signs that are constructed and maintained in a safe condition;
- f. assure that signs are constructed and maintained in a safe condition;
- g. encourage design that enhances the readability and effectiveness of signs;
- h. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- i. reduce traffic hazards;
- j. eliminate obsolete signs;
- k. provide an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 4.084, 4, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations. (Ord. #789, June 1993)



#### **4.082 Supplementary Definitions**

The following definitions are to be used for interpreting the provisions of this article only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article III, of this ordinance.

**Awning**: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

**Awning Sign**: A sign placed directly on the surface of an awning.

**Banner**: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

**Billboard**: See off-premises sign.

**Bulletin Board Sign**: A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

**Canopy**: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

**Canopy Sign**: A sign attached to a canopy.

**Copy**: The characters, letters, or illustrations displayed on a sign face.

**Frontage, Building**: The length of a building that faces a street, parking area, or private drive.

**Illegal Sign**: A sign that was constructed in violation of regulations that existed at the time it was built.

**Marquee**: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

**Marquee Sign**: A sign attached to and made part of a marquee or any other similar projection from a building.

**Nonconforming Sign**: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

**Off-Premises Sign:** Any sign which is not located on the premises that it identifies or advertises.

**Sign:** Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) is used to announce, direct attention to, or advertise; and
- (c) is visible from outside a building.

**Sign, Abandoned:** Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

**Sign, Accessory:** Any sign that directs attention to a person, activity, or commodity on the same zone lot.

**Sign, Advertising:** A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

**Sign, Animated:** A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

**Sign, Banner:** A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

**Sign, Building Mounted:** Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support

when the sign is wider than said pole or support, which shall be considered a freestanding sign.

**Sign, Business:** A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

**Sign, Changeable Copy:** A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

**Sign, Civic:** A type of accessory sign that identifies or provides related information about community facility activity types.

**Sign, Development:** A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

**Sign, Direct Illumination:** All illuminated signs not included in the definition of "Sign," "Luminous Background" or "Sign," "Indirect Illumination."

**Sign, Directional:** Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

**Sign, Directory:** A sign which lists the names of individuals, businesses, or products available at a single site.

**Sign, Expressive:** Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

**Sign, Flashing:** Shall be construed to be any sign that flashes or blinks or appears to flash or blink.

**Sign, Freestanding:** Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

**Sign, Ground:** A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not attached to any building.

**Sign, Handtacked:** A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

**Sign, Illuminated:** A sign designed to give forth any artificial light or reflect such light from an artificial source.

**Sign, Incidental:** An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

**Sign, Indirect Illumination:** Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

**Sign, Large Residential:** A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

**Sign, Luminous Background:** A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

**Sign, Monument:** A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

**Sign, Permanent:** Any permitted sign which is not restricted as to the duration of time it can be displayed.

**Sign, Pole:** A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

**Sign, Portable:** Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

**Sign, Projecting:** Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

**Sign, Realty:** A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

**Sign, Roof:** Any sign attached to or mounted on any surface defined as a roof.

**Sign, Structure:** A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

**Sign, Temporary:** Any sign that has a specific limitation in the amount of time that it can be displayed. Expressive signs with between three (3) and fifteen (15) square feet of display surface area shall be treated as temporary signs.

**Sign, Wall:** A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached. (Ord. #789, June 1993)

**4.083 Exempt Signs and Temporary Signs****1. Exempt Signs**

The following are exempt from the provisions of this article or from the requirement to obtain a sign permit.

- a. Address and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. Artwork: Works of art that do not include any commercial messages or references.
- c. Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- e. Directional Signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- f. Flags, Emblems, Insignia, and Banners: Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and barriers shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.

- g. Handicapped Parking Space Sign: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. Home Occupations Signs: On-premise identification signs for home occupations shall not exceed four (4) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- i. Public Signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the City Commission or under the direction of the Commission.
- k. Seasonal Signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- l. Security and Warning Signs: On-premise signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- m. Temporary Political Signs: On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
- n. Temporary Real Estate Signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding sixteen (16) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.
- o. Auction Signs: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5)

signs per event and shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

2. Temporary Signs Requiring a Sign Permit

The following signs may be erected only after obtaining a temporary sign permit from the enforcing officer. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible.

- a. Special Event Signs: Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days.

Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

- b. Temporary Farm Product Signs: Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed thirty-two (32) square feet, nor shall any sign exceed six (6) feet in height.
- c. Construction Signs: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding thirty-two (32) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for



the building is issued, whichever occurs first. (Ord. #789, June 1993)

#### **4.084 General Provisions**

##### **1. General Standards**

- a. No sign except for those specified in Subsection 4.083, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information.

## 2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

## 3. Height of Signs

The following general rules shall apply in the determination of the height of signs.

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports of the base of any sign directly attached to the ground.

- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

4. Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Banner signs that over hang any public right-of-way;
- f. Any sign with direct illumination provided by exposed bulbs or lamps;
- g. Off-premise signs, except as permitted in Subsection 4.086, 2, a;
- h. Flashing signs;
- i. Handtacked signs, on utility poles, fence posts and trees;
- j. Portable signs, except as permitted in Subsection 4.083, 2, a;
- k. Roof signs. (Ord. #789, June 1993)

**4.085 Signs Permitted in Residential Districts**

Withing the residential districts, the following signs are permitted subject to the provisions as set forth herein.

**1. Community Facility Activities**

- a. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- b. A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- c. A wall sign shall not exceed fifty (50) square feet in size.
- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

**2. Development Signs**

- a. A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. A development sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

3. Large Residential Signs

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed twenty-five (25) square feet in size.
- e. The maximum height of such signs shall be four (4) feet when constructed as a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood agricultural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- f. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- g. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure. (Ord. #789, June 1993)

**4.086 Permitted Signs in Commercial and Industrial Districts<sup>1</sup>**

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

**1. Commercial District Signs**

Within the C-1, C-3, C-4, and C-5 Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f, below. All other sign types are prohibited.
- b. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
  - (1) Such sign shall not exceed eighty (80) square feet in display surface area.
  - (2) Such sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of pavement of the travelway, (C-1 Districts only).
  - (3) Such sign shall not exceed thirty (30) feet in height measured from the bottom of the sign provided that

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<sup>1</sup>Ord. #911 which provided amendments to this section also provides:

Additional signage may be permitted on the building(s) within the complex and shall be wallsigns, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the wall of the building upon which it is located and be architecturally compatible. The display area of such signage shall not exceed fifteen (15) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant entitled to an equal share of the display surface area.

The ordinance did not specify the placement of these provisions in the section.

in no case shall such sign extend above the roof line of the building to which it is attached.

- (4) Such sign shall clear the established grade by a minimum of ten (10) feet.
- (5) Such sign shall be no closer than twenty (20) feet to any other projecting sign.
- (6) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.

c. Wall signs are permitted subject to the following standards:

- (1) All signs are limited to fifteen (15) percent of the wall surface area below the roof line of the building.
- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
- (3) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
- (4) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
- (5) Such sign shall not cover or interrupt major architectural features of the building.
- (6) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.

- (7) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- d. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.
- (1) Such sign shall not exceed a maximum of one hundred (100) feet on any single sign or two hundred (200) feet for lots with more than one street frontage.
  - (2) The maximum height of a pole sign shall be thirty (30) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - (3) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - (4) Signs shall be setback from the public right-of-way to meet the following standards:
    - a. Signs with 100 square feet or less      8 feet
    - b. Signs exceeding 100 square feet      16 feet
- e. A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
- (1) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be



permitted. The maximum size of each such sign shall be a ratio of  $\frac{1}{2}$  to 1 of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of one hundred fifty (150) square feet. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- (3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1), above.
- (4) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.

f. Signs may be illuminated subject to the following standards:

- (1) Exposed bulbs or luminous tubes are prohibited.
- (2) No sign shall change color or intensity.
- (3) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential or agricultural.
- (4) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

## 2. Highway Commercial and Industrial District Signs

Within the C-2, 1-1 and 1-2, Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted as follows:
  - (1) Each land use is permitted to have one (1) ground or pole sign for each street frontage. The maximum display area for each sign is limited to two hundred (200) square feet per sign. The maximum display area for all signs on the same lot is limited to three hundred (300) square feet.
  - (2) The maximum height shall be thirty (30) feet for a pole sign and four (4) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - (3) Signs shall be setback from the public right-of-way to meet the following standards:
    - a. Signs with 100 square feet or less      8 feet
    - b. Signs exceeding 100 square feet      16 feet

- (4) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - (5) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above in Subsection 4.086, 1, c.
  - (6) A commercial complex shall be subject to the provisions contained above in Subsection 4.086, 1, e.
- b. This section shall apply one to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply:

Each such use shall be permitted:

  - (1) One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right-of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
  - (2) Two (2) nonilluminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.
  - (3) Federal and State stamps, octane, ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
- c. This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:

- (1) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
- (2) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of sixty (60) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
- d. Signs may be illuminated subject to the standards as specified above in Subsection 4.086.1, f.

3. Off-Premise Commercial Sign Lot

Within the C-1, C-2 and C-3 Districts the following standards shall apply to off-premise commercial signs:

- a. Free standing commercial signs are permitted as principal use on lots where no other principal use is established, providing the applicant meet the following standards. In the event the owner proposes to locate any other use of the lot, it will be required to remove the sign.
- b. All lots considered for use under this section shall meet the minimum size of the district it is to be located in, or is to be approved as an existing nonconforming lot by the Board of Appeals.
- c. All off-premise signs shall meet the following standards:
  - (1) No sign shall exceed 240 square feet in display area.
  - (2) No part of any sign shall be closer than forty (40) feet to any public right-of-way.
  - (3) Such signs shall not exceed fourteen (14) feet in height above the finished grade.
  - (4) Such signs shall be a minimum of twenty (20) feet from any adjacent property line. In the event that a

sign lot is adjacent to a residential district the established setback for the district shall apply. All buffers required by the ordinance shall apply.

- (5) With the exception of the area where the sign is located, the lots shall remain or be covered in grass, groundcover or landscaping.
- d. Lighting of these signs shall be internal or in a manner that shields the light source from sight. All other site lighting is prohibited.
- e. All signs that move or are animated shall be designed in compliance with all established Traffic Safety standards and in compliance with all State and Federal laws.
- f. Before a permit is granted for any off-premise sign a site plan in compliance with section 7.030 B, 2 shall be submitted to the Planning Commission for approval. (Ord. #789, June 1993, as amended by Ord. #841, April 1996, Ord. #901, March 1999, and Ord. #911, Oct. 1999)

#### **4.087 Temporary Sign Provisions**

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

##### **1. General Requirements**

- a. All temporary signs are required to obtain a yearly permit to place one (1) temporary sign on a parcel or lot. Each permit shall be issued for a twelve (12) month period to be renewed each year. These permits will be twenty-five dollars (\$25.00) to assist in the cost of administration of these regulations.
- b. Concerns which are actively engaged in the sign rental business and hold a current business license with the City of Lawrenceburg for this type business, will be eligible to purchase an annual permit for one hundred dollars (\$100.00). This annual permit will cover up to twenty (20) temporary signs. If additional permits are required by the concern, they will be issued at the price of five dollars (\$5.00) each.

- c. Banners may be used as temporary signs, if they do not overhang any public right-of-way.
- d. All such signs shall be securely anchored or fastened and positioned in place so as not to constitute a hazard of any kind.
- e. No temporary sign shall be displayed on a roof.
- f. No temporary sign shall be permitted to project into or over any public street right-of-way.
- g. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc.

2. Display Surface Area, Height, and Illumination

- a. Maximum display surface area shall be thirty-five (35) square feet.
- b. Maximum height shall be ten (10) feet.
- c. Temporary signs shall not be illuminated except in commercial or industrial districts.
- d. Any sign that is lighted shall be done in compliance with the National Electrical Code.

3. Location of Temporary Signs

- a. All temporary signs shall setback a minimum of eight (8) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time.
- b. The minimum distance between any two (2) such signs on the same lot shall be seventy-five (75) feet. (Ord. #789, June 1993)

**4.088 Nonconforming and Noncomplying Sign Provisions**

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

**1. Removal of Temporary Nonconforming Signs**

Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming, flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

**2. Alterations to Nonconforming and Noncomplying Signs**

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- a. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
- b. The total copy of an advertising sign may be changed in accordance with normal business practices.
- c. The proposed alteration conforms to the provisions of this ordinance.
- d. No new nonconformance or noncompliance is created.

**3. Damage or Destruction of Nonconforming and Noncomplying Signs**

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway, as defined by the Federal Highway Beautification Act and oriented to that highway shall not

be removed until compensation can be made to the extent required by law. (Ord. #789, June 1993)

#### **4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act of 1957, Section 68-24-101 through 68-24-120, Tennessee Code Annotated, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

##### **A. Mobile Home Park Building Permit**

1. The application for a "mobile home park permit" shall be filed with the Building Inspector, after the applicant has obtained all permits for water and sewer service. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Lawrenceburg Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Lawrenceburg Regional Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

##### **2. Site Plan Required**

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).



- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) foot intervals.
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. A time schedule for development shall be prepared 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.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector, the Planning Commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a. The inspection fee shall be ten dollars (\$10.00) per year plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b. The inspection fee shall be paid annually upon inspection of the mobile home park by the Building Inspector.

B. Development Standards

1. General

- a. A mobile home park shall be located only as a special exception within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.
- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

- d. 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.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

b. Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall

comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks," May, 1977.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Lawrence County Health Department and the Board of Zoning Appeals.
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitos, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

Pavement widths shall be as follows:

Collector Street with no Parking	20 feet
with On-Street Parking	36 feet
Minor Street with no Parking	18 feet
with On-Street Parking	34 feet
One-Way Minor Street	
with no Parking	12 feet
with On-Street Parking	28 feet

c. Construction

The internal streets and drives shall be paved in accordance with city road standards.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 ½) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 4.010.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.

4. The permittee shall maintain a register containing the following information:
  - a. The name and address of each mobile home occupant.
  - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
  - c. The make, model, year, and license number of each mobile home and motor vehicle.
  - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.



3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
  - ▶ The storage area shall be provided with a base of impervious material.
  - ▶ Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - ▶ The storage area shall be enclosed by skirting.
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.
7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The Building Inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office. (Ord. #789, June 1993)

**4.100 ALTERNATIVE PROVISIONS FOR LOT SIZE AND THE LOCATION OF OPEN SPACE**

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential

districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

B. Site development Plan Required

1. Contents

A site development plan containing the information required by Section 7.030, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the Subdivision Regulations.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat
- b. Jointly approve, approve with modification, or disapprove these documents; and

- c. In the instance of approval, or approval with modification, transfer the site development plan to the Building inspector for enforcement.

3. Enforcement

Upon approval of a site development plan, the Building Inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved. plan.

C. Development Standards

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each

dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

### 3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted: (1) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon; (2) Any portion of the site which lies within a floodway district.
- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

### 4. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developers:

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Minimum Lot Size	15,000	10,000	7,000	5,000
Lot Width at Building Line	100	75	75	60
Front Yard Setback	40	40	30	30
Rear Yard Setback	15	15	10	10
Side Yard Setback	10	10	5	5

5. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- a. For units located entirely within the interior of a site no yards as such are required. However, each dwelling unit shall on its own lot have one yard containing not less than fifteen hundred (1,500) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.
- b. In addition to the provisions of Subsection a., above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 3.030, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

D. Open Space Requirements

Any common open space provided within a development this type shall:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- c. Common open space may, subject to approval by the Planning Commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not be limited to, the following:

- a. The maintenance organization must be established and operational before any homes are sold.

- b. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs. (Ord. #789, June 1993)

#### **4.110 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

A site development plan specified in Section 7.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics.

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.



- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking  
  
As regulated in Article IV, Section 4.010.
- F. Ingress and Egress  
  
The number of vehicular access drive ways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Lawrenceburg, except a more stringent State or Federal law applies. (Ord. #789, June 1993)

#### **4.120 DEVELOPMENT STANDARDS FOR CEMETERIES**

- A. The following standards shall be imposed upon the development and construction of cemeteries in Lawrence County:
  - 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the

vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. (Ord. #789, June 1993)

#### **4.130 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS**

All transmission and communication towers and operating equipment shall adhere to the following standards:

- A. All towers constructed shall be the principal use on the property that they are located on. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for a zoning district.
- B. Any equipment added to an existing tower must be approved by the Planning Commission.
- C. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222 utilizing a wind rating of eighty (80) miles per hour plus ice loading for Lawrenceburg, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- D. Each application for a new tower shall include written technical information that the tower will not interfere with public, safety communications or disrupt the transmission or reception of radio,

television or other communications of adjacent residential and non-residential uses.

- E. A site plan in compliance with section 7.030 shall be approved by the Planning Commission prior to submission to the Board of Zoning Appeals for approval of the use.
- F. All applications for new towers are required to have approval as a "Special Exception" by the Board of Zoning Appeals prior to any permit being issued for construction.
- G. All towers shall be set back from all property lines by a distance that is equal to:
  - 1. for a guyed tower fifty (50) percent of the height, and
  - 2. for a self-supporting tower, equal to the height of the tower unless the applicant provides a letter from the tower engineer that the tower is designed to fall entirely within the tower property.
- H. All applications for permits to build towers in Lawrenceburg must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- I. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than eight (8) feet in height with out riggers. Access gates to the site will be locked at all times when the site is not occupied.
- J. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- K. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Appeals.

- L. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the city.
- M. In the event that the tower owner decides to discontinue operation of the tower, the owner shall notify the City in writing of when the use shall be discontinued. Unless the owner will maintain the discontinued tower site the tower and all accessory structures are to be removed within six (6) months. (Ord. #936, March 2001, as amended by Ord. #1217, Nov. 2017 *Ch4\_03-28-19*)

#### **4.140 SEASONAL PUBLIC SQUARE CURB MARKET**

All Seasonal Public Square Curb Market vendors shall adhere to the following:

- A. All Seasonal Public Square Curb Market vendors must be located on the Lawrenceburg Public Square to participate in the market.
- B. The use of the Seasonal Public Square Curb Market is restricted to bona fide Lawrence County farmers and growers.
- C. The hours during which the market may be used and occupied are between the hours of seven A.M. and four P.M. or can be established by governing body in control of scheduling events.
- D. It is unlawful for any person or vehicle to obstruct the public way on the Public Square in any way.
- E. Anyone wanting to sell on the square must obtain a permit through existing governing body in control of scheduling events on the square.
- F. All Sellers must maintain strict cleanliness practices in the handling of produce. Hands and surfaces which come in contact with produce must be kept clean with handy wipes or any adequate cleaning substance. All sellers will be subject to inspection and any non-compliance with this section can be grounds for permit revocation.
- G. All selling premises must be left clean with any and all trash picked up. (as added by Ord. #1014, Nov. 2005)

## ARTICLE V

### ZONING DISTRICTS

#### SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning Annexed Territory
- 5.050 Residential District Regulations
- 5.060 Commercial District Regulations
- 5.070 Industrial District Regulations
- 5.080 Provisions Governing Floodway and Flood Fringe Districts
- 5.090 Special Overlay District Regulations

#### **5.010 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Lawrenceburg, Tennessee.

<b><u>Zoning District</u></b>	<b><u>District Abbreviation</u></b>
A. <u>Residential Districts</u>	
Large Lot Residential District	R-1
Low-Density Residential District	R-2
Medium-Density Residential District	R-3
High-Density Residential District	R-4
B. <u>Commercial Districts</u>	
Central Business District	C-1
Highway Service District	C-2
General Commercial District	C-3
Neighborhood Service Business District	C-4
Office/Professional Service District	C-5
C. <u>Industrial Districts</u>	
Industrial District	I-1
D. <u>Floodway Districts</u>	F-1
E. <u>Special Overlay District Regulations</u>	
Planned Commercial District	
Historic Zoning Overlay District	

(Ord. #789, June 1993)

**5.020 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Atlas of Lawrenceburg, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the Mayor and Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect. (Ord. #789, June 1993)

**5.030 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Lawrenceburg Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this 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 one hundred (100) feet, within the more restricted district. (Ord. #789, June 1993)

**5.040 ZONING OF ANNEXED TERRITORY**

Prior to the annexation of property, the Planning Commission shall recommend zoning districts to the Lawrenceburg City Commission, which shall assign the zoning districts by ordinance within one hundred-twenty (120) days, after annexation. (Ord. #789, June 1993)

**5.050 RESIDENTIAL DISTRICT REGULATIONS**

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;

2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue. (Ord. #789, June 1993)

#### **5.051 R-1, Large Lot Residential District**

##### **A. Purpose and Intent of District**

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this

ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1, Large Lot Residential District, the following uses are permitted.

Agricultural Activities

Crops and Animal Raising

Residential Activities

Single Detached Dwelling

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.



D. Uses Permitted as Special Exceptions

In the R-1, Large Lot Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7-080.

Community Facility Activities

Administrative Services  
 Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Intermediate Impact Facilities  
 Personal and Group Care Facilities  
 Religious Facilities

E. Uses Prohibited

In the R-1, Large Lot Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-1, Large Lot Residential District, shall comply with the following requirements.

1. Minimum lot size:

Minimum Area

with sewer	20,000 square feet
without sewer	30,000 square feet

Lot Width at Building Setback

with sewer	100 feet
without sewer	125 feet

2. Minimum Yard Requirements

Front Yard Setback	60 feet
Side	20 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.052 R-2, Low-Density Residential District**

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the

residents of those districts or which are benefitted by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Low-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Family  
Dwelling, Duplex  
Dwelling, Triplex

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Community Facility Activities

Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Health Care Facilities  
 Intermediate Impact Facilities  
 Personal and Group Care Facilities  
 Religious Facilities

E. Uses Prohibited

In the R-2, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Low-Density Residential District, shall comply with the following requirements.

1. Medium Lot Size

<u>Minimum Area</u>	15,000 square feet
Area Per Family	5,000 square feet
<u>Lot Width at Building Setback</u>	100 feet

2. Minimum Yard Requirements

Front Yard Setback	50 feet
Side	15 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.053 R-3, Medium-Density Residential District**

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of

zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, Medium-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Dwelling  
Dwelling, Duplex  
Dwelling, Triplex

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.

5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Community Facility Activities

Administrative Services  
 Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Health Care Facilities  
 Intermediate Impact Facilities  
 Personal and Group Care Facilities  
 Religious Facilities

Residential Activities

Dwelling, Multi-Family (Apartment, Townhouse)

E. Uses Prohibited

In the R-3, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

<u>Minimum Area</u>	10,000 square feet
Area Per Family	3,500 square feet
<u>Lot Width at Building Setback</u>	75 feet

2. Minimum Yard Requirements

Front Yard Setback	30 feet
Side	10 feet
Rear	20 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993, as amended by Ord. #1343, Aug. 2022 ***Ch5\_04-27-23***)



**5.054 R-4, High Density Residential District****A. Purpose and Intent of District**

This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development.

**B. Uses Permitted**

In the R-4, High-Density Residential District, the following uses are permitted.

**Residential Activities****1. Permanent Activities**

Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Triplex  
Dwelling, Mobile Home  
Dwelling, Multi-Family (Apartment, Townhouse)

**2. Semi-Permanent Residential**

Boarding House  
Rooming House

**C. Accessory Uses and Structures****1. Private garages and sheds.**

2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-4, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Residential

Mobile Home Park (Subject to the Provisions of Section 4.090)

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

E. Uses Prohibited

In the R-4, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-4, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size:

Single-Family, Duplex, and Mobile Homes	7,500 square feet
Multi-Family Dwelling and Triplex	11,000 square feet

Area Per Family

Single-Family and Mobile Homes	7,500 square feet
Multi-Family and all other Residential Uses	2,750 square feet

Lot Width at Building Setback

Single-Family and Duplex	75 feet
Multi-Family Dwelling	100 feet

2. Minimum Yard Requirements

Front Yard Setback	35 feet
Side	8 feet
Rear	15 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping: The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.060 COMMERCIAL DISTRICT REGULATIONS**

The commercial districts, established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Lawrenceburg, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial

developments where standards for development will provide protection for the environmental essentials of either.

6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect the strengthen the economic base of Lawrenceburg to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings. (Ord. #789, June 1993)

#### **5.061 C-1, Central Business District**

##### **A. District Description**

This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

##### **B. Uses Permitted**

###### **Community Facility Activities**

Administrative Services  
 Community Assembly  
 Cultural and Recreational Services  
 Essential Services  
 Health Care Facilities

Commercial Activities

Automotive Parking  
Consumer Repair Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting and Administrative Services  
Food and Beverage Services  
General Business and Communication Services  
General Personal Services  
General Retail Trade  
Medical and Professional Services  
Transient Habitation  
Undertaking Services

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-1, Central Business District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Residential Activities

Permanent Residential  
Semi-Permanent Residential

Community Facility Activities

Community Education  
 Personal and Group Care Facilities  
 Religious Facilities

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, Central Business District.

F. Dimensional Regulations

All uses permitted in the C-1, Central Business District shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	None
Lot Width at Building Setback	None

2. Minimum Yard Requirements

Front Yard Setback	Twenty-five (25) feet, except where a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average of adjacent front yards shall be provided
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Side Yard Setback	None except that when an open area is provided, it shall be at least ten (10) feet wide, and shall be unobstructed
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Rear Yard Setback

Twenty (20) feet

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

4. Height Requirement

The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in Section 6.040.

- a. The maximum building height at the street line shall be four (4) stories or fifty (50) feet.
- b. For each foot the building is setback from the street line, the height of the building may be increased by one and one-half (1 ½) feet to a maximum height of sixty-five (65) feet.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street right-of-way lines, exclusive of business driveways and walkways. If an existing parcel is a legal non-conforming lot with respect to the minimum size requirements, the ten (10) foot landscape strip may be reduced by half. The provisions of this section may be waived by the Board of Zoning Appeals in cases where the lack of setbacks would make strict application of the



provision impossible. (Ord. #789, June 1993, as amended by Ord. #1067, Aug. 2010, and Ord. #1189, Jan. 2017 *Ch4\_03-28-19*)

## **5.062 C-2, Highway Service District**

### **A. District Description**

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

### **B. Uses Permitted**

In the C-2, Highway Service District, the following uses and their accessory uses are permitted.

#### **Community Facility Activities**

Administrative Services  
 Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Essential Services  
 Health Care Facilities  
 Intermediate Impact Facilities  
 Personal and Group Care Facilities  
 Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative  
Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft and Related Equipment

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-2, Highway Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with Section 7.080.

Commercial Activities

Wholesale

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, Highway Service District.

F. Dimensional Regulations

All uses permitted in the C-2, Highway Service District, shall comply with the following requirements in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	55 feet
Side Yard Setback	15 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	20 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. If an existing parcel is a legal non-conforming lot with respect to the minimum size requirements, then ten (10) foot landscape strip may be reduced by half.

H. Planned Commercial Development Provisions

All developments within the C-2, Highway Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993, as amended by Ord. #1190, Jan 2017 ***Ch4\_03-28-19***)

**5.063 C-3, General Commercial District****A. District Description**

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

**B. Uses Permitted**

In the C-3, General Commercial District, the following uses and their accessory uses are permitted.

**Community Facility Activities**

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

**Commercial Activities**

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative

Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft and Related Equipment  
Wholesale Sales

C. Accessory Uses and Structures

The following accessories are permitted in the C-3, General Commercial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-3, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, General Commercial District.

F. Dimensional Regulations

All uses permitted in the C-3, General Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side Yard Setback	20 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	25 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. If an existing parcel is a legal non-conforming lot with respect to the minimum size requirements, the ten (10) foot landscape strip may be reduced by half.

H. Planned Commercial Development Provisions

All developments within the C-3, General Commercial District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993, as amended by Ord. #1191, Jan 2017 *Ch4\_03-28-19*)

**5.064 C-4, Neighborhood Convenience Service Districts**

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to commercial activity in the district and adjacent residential activity, and to lessen the concentration



of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted

In the C-4, Neighborhood Convenience Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Convenience Commercial  
General Personal Service  
General Retail Trade  
Medical and Professional Services

C. Accessory Uses and Structures

The following accessories are permitted in the C-4, Neighborhood Convenience Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

No uses are permitted as special exceptions in the C-4, Neighborhood Convenience Service District.

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-4, Neighborhood Convenience Service District.

F. Dimensional Regulations

All uses permitted in the C-4, Neighborhood Convenience Service District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	50 feet
Side Yard Setback	20 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	25 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped-strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. If an existing parcel is a legal non-conforming lot with respect to the minimum size requirements, the ten (10) foot landscape strip may be reduced by half.

H. Planned Commercial Development Provisions

All developments within the C-4, Neighborhood Convenience Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993, as amended by Ord. #1192, Jan. 2017 *Ch4\_03-28-19*)

**5.065 C-5, Office/Professional Service District**

- A. This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve to the needs of persons frequenting this district.

B. Uses Permitted

In the C-5, Office/Professional Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Automotive Parking  
Financial, Consulting, and Administrative Services  
General Business and Communication Services  
General Personal Service  
Medical and Professional Services

C. Accessory Uses and Structures

The following accessories are permitted in the C-5, Office/Professional Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-5, Office/Professional Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Commercial Activities

Food and Beverage Service  
Food Service Drive-In

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-5, Office/Professional Service District.

F. Dimensional Regulations

All uses permitted in the C-5, Office/Professional Service District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side Yard Setback	15 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	20 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. If an existing parcel is a legal non-conforming lot with respect to the minimum size requirements, the ten (10) foot landscape strip may be reduced by half.

H. Planned Commercial Development Provisions

All developments within the C-5, Office/Professional Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (as amended by Ord. #1193, Jan. 2017 *Ch4\_03-28-19*)

**5.070 INDUSTRIAL DISTRICT REGULATIONS**

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other

aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of Lawrenceburg's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in area where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Lawrenceburg area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Lawrenceburg's tax revenues. (Ord. #789, June 1993)

**5.071 I-1, Light Industrial District****A. District Description**

These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

**B. Uses Permitted**

In the I-1, Light Industrial District, the following uses and accessory uses are permitted.

**Community Facility Activities**

Essential Services  
Extensive Impact Facilities

**Commercial Activities**

Animal Care and Veterinarian Services  
Building Materials and Farm Equipment  
Construction Sales and Services  
Transport and Warehousing  
Wholesale Sales

**Manufacturing Activities**

Limited Manufacturing  
Intermediate Manufacturing

**Agricultural, Resources Production, and Extraction Activities**

Crop and Animal Raising  
Plant and Forest Nurseries



C. Accessory Uses and Structures

The following accessory uses are permitted in the I-1, Light Industrial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Administrative Services  
Intermediate Impact Facilities

Commercial Activities

Consumer Repair Services  
Construction Sales and Services  
Entertainment and Amusement Services  
Food and Beverage Service  
Food Service Drive-In  
Group Assembly

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1, Light Industrial District.

F. Dimensional Regulations

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	35 feet
Side Yard Setback	20 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	25 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed seventy-two (72) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (Ord. #789, June 1993, as amended by Ord. #1187, Jan. 2017 *Ch4\_03-28-19*)

**5.072 I-2, General Industrial District**

A. District Description

These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the I-2, General Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services

Commercial Activities

Animal Care and Veterinarian Services  
 Building Materials and Farm Equipment  
 Construction Sales and Services  
 Food and Beverage Service  
 Food Service Drive-In  
 Transport and Warehousing  
 Wholesale Sales

Manufacturing Activities

Limited Manufacturing  
Intermediate Manufacturing

C. Accessory Uses and Structures

The following accessory uses are permitted in the I-2, General Industrial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the I-2, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Extensive Impact Facilities

Commercial Activities

Group Assembly

Manufacturing Activities

Extensive Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Mining, Drilling and Quarrying

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, General Industrial District.

F. Dimensional Regulations

All uses permitted in the I-2, General Industrial District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	40,000 square feet
Lot Width at Building Setback	150 feet

2. Minimum Yard Requirements

Front Yard Setback	100 feet
Side Yard Setback	40 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be eighty (80) feet.	
Rear Yard Setback	50 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be one hundred (100) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed seventy-two (72) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (Ord. #789, June 1993, as amended by Ord. #1188, Jan. 2017 *Ch4\_03-28-19*)

**5.080 PROVISIONS GOVERNING FLOODWAY AND FLOOD FRINGE DISTRICTS**

**5.081 Intent and Objectives**

A. Finding of Facts

1. The flood hazard areas of Lawrenceburg are subject to periodic inundation which results 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.
2. The flood losses are caused by the cumulative affect of obstructions in flood heights and velocities, the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

B. Statement of Purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. Objectives

The Objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
7. To insure that potential home buyers are notified that property is in a flood area. (Ord. #789, June 1993)

#### **5.082 Supplementary Definitions**

The following definitions are to be used for interpreting the provisions of this article only. The definitions are not intended to permit uses of land that may otherwise be prohibited by the base zoning district. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article III, of this ordinance.

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 U.S.C. 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 Inspector's interpretation of any provision of this ordinance 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 (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet 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 one (1) percent 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 (1) percent 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: (i) 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), (ii) and 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 Subsection 5.086, of this subarticle, directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.
17. "Existing Construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.
18. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
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:
  1. the overflow of inland or tidal waters;
  2. 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 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. "Floodplain 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 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 (1) foot.
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 term 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 preliminary 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 Section 5.050.
43. "Manufactured Home" means a structure, transportable in one 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 ordinance, 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 this ordinance. 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 this ordinance.
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 (50) percent 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 (50) percent 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: (1) 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; (2) 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 (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
62. "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance 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 Section 5.050, (b)(5), (c)(4), (c)(10), (d)(3),

(e)(2), (e)(4), or (e)(5), 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 floodplains of coastal or riverine areas. (Ord. #789, June 1993)

### **5.083 General Provisions**

A. Application

This article shall apply to all areas within the incorporated area of Lawrenceburg, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special food hazard identified on the Lawrenceburg, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 47099C 0090B and 47099C 0150B. Effective Date: December 16, 1988, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Lawrenceburg, Tennessee Zoning Map.

C. Requirement for Development Permit

A development permit shall be required in conformity with this article prior to the commencement of any development activity.

D. Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance 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 City of Lawrenceburg, Tennessee, from taking such other lawful actions to prevent or remedy any violation. (Ord. #789, June 1993)

**5.084 Administration**

A. Designation of (Building Inspector)

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

B. Permit Procedures

Application for a development permit shall be made to the Building Inspector 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:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings\*.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available.\*
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Subsection 5.084, B, 2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Building Inspector 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 Building Inspector shall require that upon placement of the lowest floor, or floodproofing by whatever

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\*(See 2, below.)

construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector 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 Building Inspector 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.

C. Duties and Responsibilities of the Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. 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 Amendments of 1972, 33 U.S.C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor

(including basement) of all new or substantially improved buildings, in accordance with Subsection 5.084, B, 2.

5. 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 Subsection 5.084, B, 2.
6. When floodproofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Subsection 5.084, B, 2.
7. 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 Building Inspector 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 Subsection 5.086.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector 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 article.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two (2) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Subsection 5.082, of this ordinance). 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 Subsection 5.084, B.

9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (Ord. #789, June 1993)

**5.085 Provisions for Flood Hazard Reduction**

**A. General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. 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;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimizes flood damage;
5. 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;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. 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;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this article; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this article and provided said nonconformity is not extended.

B. 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 Subsection 5.083, B, the following provisions are required.

1. 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 (1) foot 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 Subsection 5.085, B, 3.

2. Nonresidential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot 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 Building Inspector as set forth in Subsection 5.084, B, 2.

3. 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.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. 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

- c. 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 Subsection 5.085, B, of this article.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. 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.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
  - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
  - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing 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 Subsection 5.085, B, 4, b, i, and ii, above.
- c. All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
- iii. Be fully licensed and ready for highway use; or
- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Subsection 5.085, B, 4, a, or b, i, and ii, 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 5.084, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

C. 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 Subsection 5.083, B, where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

- 1. 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 (1) foot, at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.

2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.085, B.

D. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Subsection 5.083, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. 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 (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. 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 (2) feet above the highest adjacent grade; or,
  - b. 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.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

E. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Subsection 5.083, B, 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), the following provisions apply:

1. All provisions of Subsections 5.084, and 5.085, A, and H, shall apply:

F. 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 Subsection 5.083, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. 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 principals.
2. If Subsection 5.085, F, 1, above is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.085, B.

G. Standards for Unmapped Streams

Located within Lawrenceburg, Tennessee, 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:

1. 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 (1) foot at any point within the locality.
2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.084, B, 2.

H. 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:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. 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.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. 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. #789, June 1993)

**5.086 Variance Procedures**

The provisions of this section shall apply exclusively to areas of special flood hazard.

**A. Board of Zoning Appeals**

1. The Lawrenceburg Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this article.
2. Variances 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.
3. 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 ordinance, and:
  - a. The danger that materials may be swept onto other property to the injury of others;
  - b. The danger to life and property due to flooding or erosion;
  - c. The susceptibility of the proposed facility and its contents to flood damage;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4. Upon consideration of the factors listed above, and the purpose of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
- 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

- 1. 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.
- 2. 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 nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 3. 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.

4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #789, June 1993)

## **5.090 SPECIAL OVERLAY DISTRICT REGULATIONS**

The following regulations shall apply in the special overlay zoning districts established in Section 5.010, of this ordinance.

### **5.091 Planned Commercial Development**

#### **A. Intent of Section**

This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the location of two (2) or more buildings on a single lot or tract of land, or any development site involving five (5) or more acres not subdivided. Proposed uses for a planned commercial development project shall conform to the intent and permitted uses for the commercial zone within which it is to be located.

#### **B. Procedure for Approval**

A building permit for a planned commercial development project shall be issued by the Building Inspector only as authorized by the Lawrenceburg Planning Commission. The commission shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Planning Commission determines that the proposed project meets the intent of this article and that the development standards set forth by this article will be followed.

##### **1. Information Required**

The following information is required:

- a. Site plan drawn to a scale no smaller than 1"=100; showing:
- (1) Small scale location map of the proposed site.
  - (2) Acreage and zoning classification of the area involved.
  - (3) Topographic contours at five (5) foot intervals.
  - (4) The location and dimension of internal streets (including traffic circulation patterns), sidewalks, points of access to public streets, and off-street parking spaces and loading areas.
  - (5) The location and dimensions of structures including height; bulk, and the utilization of structures including activities and number of living units (if any).
  - (6) Reservations for yards and other open space areas, and landscaping/screening features.
  - (7) The location and size of existing and proposed water and sewer lines, storm drainage, and any easements.
  - (8) A tabulation of the land area to be devoted to various uses and activities and overall densities.
  - (9) Provisions or agreements for maintenance of common open space area.
  - (10) A stage development schedule, generally setting forth when the land owner intends to commence construction and completion period.

2. Review Procedure

a. Preapplication Conference

Prior to the filing of the application, the applicant shall confer with the Planning Commission to clarify procedures and issues.

b. Preliminary Review

Twelve (12) copies of the proposal containing the information required above shall be submitted to the Lawrenceburg Planning Commission at least ten (10) days in advance of the meeting at which it is to be considered for preliminary review. Commission findings, including necessary revisions or additions prior to final site plan submission, shall be outlined to the applicant.

c. Final Review

Twelve (12) copies of the proposal shall be submitted to the Planning Commission, at least ten (10) days in advance of the meeting at which it is to be considered for final review. Upon final approval, the Planning Commission shall authorize issuance of a permit for the planned development project by the Building Inspector.

3. Expiration of Building Permit

In the event that actual construction has not begun within three (3) years from the date of approval of the planned development project, the building permit for said project shall expire. Reinstatement of a project after expiration shall require submission of the proposal for Planning Commission approval.

4. Amendments

Any amendments or changes to a planned development project after receiving final approval by the Planning Commission must be resubmitted for commission consideration and approval.

C. Purpose and Intent of Planned Commercial Development

The purpose and intent of planned commercial development are:

1. To encourage the grouping of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and residential areas.
2. To encourage the orderly development of commercial areas through establishment of sound design and development standards providing for suitable location of commercial activities, parking and traffic circulation, ingress and egress, loading, landscaping and open space, and utilities and other service facilities.

D. Types of Planned Commercial Development

The two (2) types of planned commercial development include:

1. Planned Commercial Development--General

Planned commercial development--general provides for a range of retail trade and service activities including neighborhood commercial special purpose shopping facilities and community shopping centers.

2. Planned Commercial Development--Office Park

Planned commercial development--office park provides for adequate regulation of activities and traffic around office parks.

E. Permitted Activities in Planned Commercial Development

Activities or uses in planned commercial development shall conform to the intent and permitted uses of the particular commercial zone within which it is located. Any planned commercial development located in the Highway Service, General Commercial and Neighborhood Convenience zones will come under "Planned Commercial Development--General" provisions.

F. Development Standards

1. Location and Site Requirements

In all planned commercial developments

- a. The site shall comprise a single lot or tract of land.
- b. The site shall abut a public street a minimum of fifty (50) feet.
- c. Minimum lot area NONE.

2. Building Area

In all planned commercial developments maximum building area shall not exceed thirty (30) percent of the total lot area. Parking, areas, open courts, and other open space uses shall not be computed in building area.

3. Maximum Permitted Height of Structures

a. Planned commercial development--general:

No building shall exceed forty (40) feet in height.

b. Planned commercial development--office park:

No building shall exceed forty (40) feet in height.

4. Minimum Yards

	Setback from Public Street <u>Right-of-Way</u>	Rear <u>Yard</u>	Side <u>Yard</u>
Planned Commercial Development--General	35 feet	20 feet	15 feet
Planned Commercial Development--Office Park	40 feet	20 feet	15 feet

In any planned commercial development abutting a residential district, the minimum distance between any building and a residential district boundary in all cases shall be sixty (60) feet. Not less than forty (40) feet, of such required space shall be devoted to grass, trees, shrubs, and other landscaping; the remainder of such space may be used for off-street parking.

5. Building Location Requirements

- a. In all planned commercial developments, the minimum distance between any building and any internal street shall be fifteen (15) feet.
- b. The minimum distance between buildings shall be:
  - (1) Planned Commercial Development--General 25 feet
  - (2) Planned Commercial Development--Office Park 25 feet

6. Maximum Lot Coverage

In any planned commercial development no more than eighty (80) percent of the total surface land area shall be improved with buildings, structures, parking and loading areas, streets, driveways, or roadways.

7. Minimum Off-Street Parking Space Requirements

- a. An off-street parking space shall contain a minimum of two hundred (200) square feet, exclusive of access and maneuvering space.
- b. The off-street parking requirements shall be as provided in Article IV, Section 4.010.
- c. There shall be ten (10) square feet of landscaped area per parking space, such landscaped areas to be evenly distributed throughout the parking area.
- d. Each off-street parking space shall have a curb or parking bumper to aid in preventing vehicle encroachment upon adjacent spaces.

- e. Curbs, planting strips, or similar aids to channelization of traffic shall be provided at the ends of parking tiers in order to clearly delineate and separate parking aisles.

8. Off-Street Loading Space

a. Size

An off-street loading space, open or enclosed, shall have three (3) minimum dimensions:

(1)	Length	55 feet
(2)	Width	12 feet
(3)	Vertical Clearance	12 feet

These dimensions shall not include driveways or entrances to, or exits from, such off-street spaces.

b. Location

No off-street loading space and no entrance or exit thereto shall be located less than fifty (50) feet from the intersection of two (2) street lines. A location closer to such intersection may be permitted if such location is not hazardous to traffic safety and will not create traffic congestion.

- c. In any planned commercial development there shall be one (1) off-street loading space for a floor area of from seventy-five hundred (7,500) square feet to ten thousand (10,000) square feet in a single occupancy; one (1) additional space for each additional fifteen thousand (15,000) square feet of such floor area or major fraction thereof; provided, that under no circumstances shall more than five (5) off-street loading spaces be required for any single occupancy.

9. Internal Street Design and Construction Standards

In any planned commercial development, the following shall apply:

- a. The maximum grade on any street shall be six (6) percent.
- b. All street intersections shall be at right angles.
- c. All internal streets, drives, roadways, and parking and loading areas shall be privately constructed and maintained.
- d. All internal streets, drives, roadways, and parking and loading areas shall meet the construction standards for streets as set forth in Article 4, of the Subdivision Regulations of Lawrenceburg, Tennessee.
- e. The minimum pavement width of any internal street, road, or drive shall be twenty (20) feet.

10. Access Requirements

In any planned commercial development, the following provisions shall apply:

- a. Access to public streets shall be controlled in the interest of public safety. Each building or group of buildings and accompanying parking or service area shall be physically separated from public streets by a curb, planting strip, or other suitable barrier that prevents unchanneled motor vehicle ingress and egress and clearly delineates authorized points of access.
- b. A point of access, i.e., a drive, curb-cut, or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
- c. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than four hundred (400) feet, but more than one hundred (100) feet of public street frontage. Lots with less than one



hundred (100) feet frontage on a public street shall have no more than one (1) point of access to any one (1) public street. On lots of more than four hundred (400) feet frontage on a public street, the minimum distance between access points in addition to those indicated above shall be one thousand (1,000) feet.

- d. No points of access shall be permitted within fifty (50) feet of the curb line (or street line where there is no curb) of any public street intersection.
- e. No access point to a public street shall be made without written approval of the Building Inspector.

11. Utility Provisions

- a. All planned commercial developments shall be serviced with public sanitary sewerage and water lines of not less than eight (8) inches and six (6) inches, respectively. Septic sewage disposal may be permitted with the approval of the Planning Commission and the Lawrence County Department of Public Health.
- b. All electric, telephone, and similar service lines and wiring shall be installed underground, and there shall be no utility poles or overhead wiring in any planned commercial development.

12. Storage of Solid Waste Material

In all planned commercial developments, solid waste storage areas shall be screened from public view and shall be maintained in such a manner as to meet County Public Health Department requirements.

13. Street Graphics

Street graphic provisions as provided in Section 4.080, are effective in planned commercial developments. (Ord. #789, June 1993)

**5.092 Historic Zoning Overlay District****A. Intent of the Historic District**

It is the purpose of this Article to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archaeological, architectural or cultural value to the City of Lawrenceburg. These requirements are adopted pursuant to the authority granted in Section 13-7-401, of the Tennessee Code Annotated. The general intent of this provision includes, among others, the following specific purposes:

1. To preserve and protect the historic and/or architectural value of buildings or other structures;
2. To regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility;
3. To create an aesthetic appearance which complements the historic buildings or other structures;
4. To stabilize and improve property values;
5. To foster civic beauty;
6. To strengthen the local economy; and
7. To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the City of Lawrenceburg.

**B. Definitions**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**1. Alteration**

Any act or process that changes one or more of the exterior architectural features of a structure, including, but not

limited to, the erection, construction, reconstruction, or removal of any structure.

2. Construction

The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

3. Demolition

Any act that destroys the external walls in whole or in part of a structure.

4. Demolition by Neglect

The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.

5. Design Guidelines

Standards adopted by the Lawrenceburg Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

6. An Economic Hardship

An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

7. Historic District

A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the City of Lawrenceburg and which has been so designated by the Historic Zoning Commission.

8. Historic Landmark

Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the City of Lawrenceburg and which has been so designated by the Historic Zoning Commission.

9. Ordinary Repair and Maintenance

Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

10. Relocation

Any change of the location of a structure in its present setting or another setting.

11. Structure

A nonmoveable work made up interdependent and interrelated parts in a definite pattern of organization.

C. Creation of the Historical Zoning Commission

In order to execute the purposes of this act there is hereby established a commission to be known as the Historic Zoning Commission. The commission shall consist of five (5) members. All members of the commission shall be appointed by the mayor, and subject to confirmation by the Board of Commissioners. Additionally, one (1) city commissioner shall serve as an advisory, non voting, member of said Historical Zoning Commission.

1. Membership of Historical Zoning Commission shall be composed of the following members:

- a. One (1) member of the Lawrenceburg Regional Planning Commission.

- b. One (1) member representing the Lawrence County Historical Society,
- c. One (1) architect who is a member, or meets membership requirements, of the American Institute of Architects, if available.
- d. Three (3) members from the community in general.
- e. One (1) merchant or property owner.
- f. One (1) member of the Lawrenceburg Board of Commissioners, elected by the members of said board. Said City Commission member shall be in an advisory capacity only, and shall not have voting rights.

2. Terms of Office

The members of the Historic Zoning Commission shall serve for a five (5) year term, except for the members first appointed, who shall serve respectively as follows: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. All members shall serve without compensation and may be removed from membership by vote of the Board of Commissioners of the City of Lawrenceburg.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such members; vacancies shall be filled within sixty (60) days.

3. Organization

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of members of the commission shall constitute final action of the commission on any matter before it.

4. Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of or is affected by a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

D. Boundaries of Historical Districts and Landmarks

Upon adoption of this ordinance, the Historic Zoning Commission shall delineate the boundaries of the historical district or landmark and have it approved by the Lawrenceburg City Commission. After the boundary receives approval by the Board, it shall be shown on the zoning map or as special overlays to the zoning map. Changes in the boundaries of the historical district or landmarks may occur after a recommendation by the Historical Zoning Commission and approved by the City Commission.

1. Historic District Defined

A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria.

- a. That it is associated with an event which has made a significant contribution to local, state, or national historic; or
- b. That it includes structures associated with the lives of persons significant in local, state, or national history; or
- c. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

2. Landmark Defined

A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Lawrenceburg and which meets one (1) or more of the following criteria:

- a. That is associated with an event which has made a significant contribution to local, state, or national history;
- b. That is associated with the lives of persons significant in local, state, or national history;
- c. That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;
- d. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
- e. That is listed in the National Register of Historic Places.

E. Powers and Duties of the Historical Zoning Commission

- 1. The Historic Zoning Commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in Subsection D., of this article. The commission shall furnish to the city council, in writing, its recommendations regarding the creation of any recommendations of the commission prior to the establishment of such districts or landmarks.

2. Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the Historic Zoning Commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this article. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.
3. It shall be the duty of the Historic Zoning Commission to make the following determinations with respect to the historic districts or landmarks when applicable:
  - a. Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc., shall be at the expense of the commission.
  - b. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.
  - c. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.
  - d. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks, along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.
  - e. Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such



factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.

- (1) historical or architectural value of the present structure;
  - (2) the relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district.
  - (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
  - (4) to any other factor, including aesthetic, which is reasonably related to the purpose of this Article.
4. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.
  5. Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

F. Construction, Alteration, Repair, Moving, or Demolition

1. There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the Historic Zoning Commission. Such approval shall be signified by a Certificate of Approval which shall be issued by the commission in such form as the commission shall deem advisable.

a. Applications

Applications for Certificate of Approval shall be made at the office of the Building Inspector of the City of Lawrenceburg. The Building Inspector shall notify the Historic Zoning Commission of such applications, which shall be in form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

b. Consideration of Applications

All applications for Certificates of Approval received by the Building Inspector ten (10) days prior to the next regularly scheduled meeting of the Historic Zoning Commission shall be considered by the commission at the next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the application submits whatever documentation required by the commission at its preliminary consideration of the project.

c. Approval or Disapproval

Within thirty (30) days following the availability of sufficient data and documentation, the Historic Zoning Commission shall issue its Certificate of Approval with or without attached condition or refuse to grant a Certificate of Approval. If the commission should refuse to grant a Certificate of Approval, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

2. No historic site may be demolished or partially demolished without the prior approval of the Historic Zoning Commission. Any application to demolish or partially

demolish a structure in the historic district shall be forwarded to the Historic Zoning Commission.

G. Moratorium on Alteration or Demolition

The commission shall have the power to require a one hundred-eighty (180) day moratorium on any request to demolish or alter any structures covered by this ordinance. If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

1. Demolition by Neglect

Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

2. The Historic Zoning Commission, on its own initiative, may file a petition with the Building Inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under Section 5.092, G, 1, above, so that such structure shall be preserved and protected in accordance with the purposes of this ordinance.

3. If any structure covered by Section 8.1, above, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two or more notices from the Building Inspector of building neglect in violation of this ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for

the operation of a surface parking lot shall be granted by any city office during this period.

H. Determination of Economic Hardship

Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure of the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the

previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

7. Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

#### I. Jurisdiction and Appeals

Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided by law.

Nothing in this Article shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments. (Ord. #789, June 1993, as amended by Ord. #810, Sept. 1994, and Ord. #1220, Jan. 2018 *Ch4\_03-28-19*)

### **5.100 AIRPORT ZONING PROVISIONS**

#### **5.101 Statutory Authorization**

This ordinance shall be known and may be cited as the Lawrenceburg/Lawrence County Airport Zoning Ordinance. (Ord. #926, May 2000)

#### **5.102 Definitions**

As used in this ordinance, unless the context otherwise requires:

AIRPORT - The Lawrenceburg/Lawrence County Airport.

AIRPORT ELEVATION - Nine hundred thirty-six (936) feet above mean-sea-level.

APPROACH SURFACE - A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection 5.104, of this ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Subsection 5.103, of this ordinance.

BOARD OF APPEALS - The duly appointed Board of Lawrenceburg Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, special exceptions or variances to the established zoning ordinance. The Board of Appeals may also be referred to as the Board of Zoning Appeals.

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean-sea-level elevation, unless otherwise specified.

HORIZONTAL SURFACE - A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller drive aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.

NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this ordinance or an amendment, thereto.

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Subsection 5.104, of this ordinance.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE - A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width and elevation of the primary surface is set forth in Subsection 5.083 of this ordinance.

RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURAL - An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

TRANSITIONAL SURFACES - These surfaces extend outward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach

surface and at ninety (90) degree angles to the extended runway center line.

TREE - Any object of natural growth.

VISUAL RUNWAY - A runway included solely for the operation of aircraft using visual approach procedures. (Ord. #926, May 2000)

### **5.103 Airport Overlay Districts**

In order to carry out the provisions of this ordinance, there are, hereby, created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Lawrenceburg/Lawrence County Airport. Such zones are to be included as overlay districts to the existing Official Zoning Atlas of Lawrenceburg. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various airport overlay districts are hereby established and defined as follows:

#### **A. Primary Surface Zone**

Established as the imaginary surface five hundred (500) feet wide, longitudinally centered on the runway and extends a length of two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Lawrenceburg/Lawrence County Airport is nine hundred thirty-six (936) feet above mean-sea-level.

#### **B. Horizontal Zone**

All the airspace that lies directly under an imaginary horizontal surface one hundred fifty (150) feet above the established airport elevation, or a height of one hundred fifty (150) feet above mean-sea-level. The horizontal zone is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred (200) feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand (10,000) feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal zone does not include the approach/departure zones and the transitional zones.



C. Conical Zones

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) (20 feet outward for each foot upward) and extending to a height of three hundred fifty (350) feet above the airport elevation, or four thousand (4000) feet above mean-sea-level.

D. Approach/Departure Zone (Runway 17, Nonprecision)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond the end of runway 17, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (34 feet outward for each foot upward) at the end of Runway 17.

E. Approach/Departure Zone (Runway 35, Visual)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each of the runway, widening, thereafter, uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond the end of Runway 35, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (34 feet outward for each foot upward) at the end of Runway 35.

F. Transitional Zone

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of seven to one (7:1) from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface. (Ord. #926, May 2000)

**5.104 Height Limitations**

Except as otherwise provided in the ordinance, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are, hereby, established for each of the zones in question as follows:

**A. Approach/Departure Zones**

One foot in height for each thirty-four (34) feet in a horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand two hundred (10,200) feet from the end of the runway.

**B. Transition Zones**

One foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet normal to and at the elevation of the center line of the runway extending two hundred (200) feet beyond each end, thereof, and extending to a maximum height of one hundred fifty (150) feet above the established airport elevation which is nine hundred thirty-six (936) feet above mean-sea-level. In addition to the foregoing, there are established height limits of one foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

**C. Horizontal Zone**

One hundred fifty (150) feet above the established airport elevation or a maximum of two hundred fifty (250) feet above mean-sea-level.

**D. Conical Zone**

One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of three hundred fifty (350) feet above the airport elevation or four thousand (4,000) feet above mean-sea-level.

E. Except Height Limitations

Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (Ord. #926, May 2000)

**5.105 Use Restrictions**

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or, otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. #926, May 2000)

**5.106 Nonconforming Uses**

A. Regulations Not Retroactive

The regulations prescribed in this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently executed.

B. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is, hereby, required to permit the installation, operation, and maintenance, thereon, of such markers and lights as shall be deemed necessary by the Lawrenceburg/Lawrence County Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Lawrenceburg/Lawrence County Airport. (Ord. #926, May 2000)

**5.107 Administration****A. Future Uses**

Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected, or otherwise, established, and no tree shall be planted in any zone hereby created, unless a permit, therefore, shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted, unless a variance has been approved by a Board of appeals or adjustments in accordance with the provisions of the applicable Zoning Ordinance of Lawrenceburg.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand two hundred (4,200) feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this ordinance, the Lawrenceburg Zoning Ordinance.

B. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments, thereto, or than it is when the application for such a permit is made. Except as indicated, all applications for such a permit may be granted.

C. Permit Issuance

The Lawrenceburg/Lawrence County Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this ordinance. All permit applicants shall apply to the Lawrenceburg Office of Planning and Zoning, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning Ordinance and the regulations herein prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

D. Enforcement

It shall be the duty of the Lawrenceburg Building Inspector, duly appointed, to enforce the zoning codes of each jurisdiction to administer, inspect, and enforce the provisions set forth in this ordinance.

E. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to this ordinance through the Board of Zoning Appeals in Lawrenceburg, which has zoning jurisdiction over the territory in question. The Lawrenceburg/Lawrence County Airport Board, the Lawrenceburg Municipal/Regional - Planning Commission, and/or the Lawrence County Planning Commission may make recommendations to the Board of Zoning Appeals.

F. Penalties

Any violation of this ordinance or any regulation, order, or ruling promulgated hereunder, shall be issued penalties as prescribed within the Lawrenceburg Zoning Ordinance, which has jurisdiction over the territory in question. (Ord. #926, May 2000)

**5.108 Validity and Interpretation**

A. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

B. Severability

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable. (Ord. #926, May 2000)

## **ARTICLE VI**

### **EXCEPTIONS AND MODIFICATIONS**

#### **SECTION**

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Bulk and Lot Size Noncompliance
- 6.040 Exceptions to Height Limitations
- 6.050 Lots of Record
- 6.060 Exceptions to Setback Requirements
- 6.070 Absolute Minimum Lot Size

#### **6.010 SCOPE**

Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and Article V. (Ord. #789, June 1993)

#### **6.020 NONCONFORMING USES**

The districts established in this ordinance (as set forth in district regulations in Article V) are designed to guide the future use of land in Lawrenceburg, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare. (Ord. #789, June 1993)

#### **6.021 Provisions Governing Nonconforming Uses**

##### **A. Applicability**

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

##### **B. Construction or Use Permit Approved Prior to Ordinance Adoption**

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

##### **C. Repairs and Alterations**

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

##### **D. Zone Lot Containing Nonconforming Use**

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section C.



E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this chapter, 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.

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.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 5.080.

## H. Damage or Destruction

### 1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

### 2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as required in Section G., above) to other than a permitted use.

### 3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

### 4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

### 5. Reconstruction of Flood Damaged Property

The provisions of Section 6.030, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway the district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30) months, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision. (Ord. #789, June 1993, as amended by Ord. #1044, July 2008)

**6.030 BULK AND LOT SIZE NONCOMPLIANCE**

A. General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.030, D., through 6.030, F.

D. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway

district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet.

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof. (Ord. #789, June 1993)

#### **6.040 EXCEPTIONS TO HEIGHT LIMITATIONS**

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission. (Ord. #789, June 1993)

#### **6.050 LOTS OF RECORD**

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall

again be considered as a yard, court, or other open space for another building.

- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (Ord. #789, June 1993)

#### **6.060 EXCEPTIONS TO SETBACK REQUIREMENTS**

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (Ord. #789, June 1993)

#### **6.070 ABSOLUTE MINIMUM LOT SIZE**

In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments. (Ord. #789, June 1993)

## **ARTICLE VII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION**

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Building Permits
- 7.040 Temporary Use Permits
- 7.050 Certificate of Occupancy
- 7.060 Board of Zoning Appeals
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#### **7.010 ADMINISTRATION OF THE ORDINANCE**

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, 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 this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory. (Ord. #789, June 1993)

#### **7.020 THE ENFORCEMENT OFFICER**

The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.

- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties. (Ord. #789, June 1993)

#### **7.030 BUILDING PERMITS**

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, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

No Building Permit shall be issued by the Building Inspector, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

##### **A. Application**

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.



2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Building Inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one- and two-family detached houses and individual mobile homes shall be administratively approved by the Building Inspector. All other uses shall only be approved in the manner set forth in 7.030, B., 2., below.

1. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes
  - a. The actual shape, location, and dimensions of the lot to be built upon.
  - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
  - c. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
  - d. The size and location of all yards and open areas required by this ordinance.
  - e. The dimension and location of all public water and sewer lines from which the property is to be served.

- f. The location and approximate dimension of all points of access to a public street or road.
- g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- h. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

2. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of 7.030, B., 1. Unless otherwise specified, the reviewing agency shall be the Lawrenceburg Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission.

The following information shall be included in the site plan:

- a. General Location Sketch Map at a Scale not Smaller than 1"=2,000', Showing:
  - (1) The approximate boundaries of the site.
  - (2) External (public access streets or roads in relation to the site).
  - (3) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
  - (4) Any public water and sewer systems in relation to site.
- b. Site Plan Drawn at a Scale no Smaller than 1"=100'; Showing:
  - (1) The actual shape, location, and dimensions of the lot.

- (2) The shape, size, and location of all buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- (4) Topographic features, both existing and proposed with contours at a vertical interval no greater than two (2) feet.
- (5) Location of all driveways and entrances.
- (6) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- (7) Location of all accessory off-street loading berths.
- (8) Location of open space.
- (9) Proposed ground coverage, floor area, and building heights.
- (10) Position of fences and walls to be utilized for screening (materials specified).
- (11) Position of screen planting (type of planting specified).
- (12) Proposed means of surface drainage, including all drainage ways and facilities.
- (13) Location of all easements and rights-of-way.
- (14) Location of areas subject to flooding.
- (15) Location and size of all utilities, including all fire hydrants.
- (16) Location, type, and size of proposed signs.

c. The Planning Commission as the Reviewing Body May:

- (1) Recommend approval of the plan as submitted to the Building Inspector.
- (2) Recommend disapproval of the plan.
- (3) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

3. Building and Structures Exempt from Site Plan Requirements

Building additions and building structures five hundred (500) square feet or less and accessory structures one thousand (1,000) square feet or less, that do not increase the capacity of the principal use are exempt from submitting a complete site plan as required in Section 7.030, B, 2, of this ordinance. In lieu of a site plan, the owner or developer shall submit to the Planning Commission a site sketch plan containing the following information.

The following information is required on a site sketch plan:

- a. General location map (no scale required).
- b. Map of the site drawn by a licensed surveyor showing existing or proposed plan-o-metrics in relation to property lines.
- c. Proposed location of the addition or accessory structure, drawn at a scale no smaller than 1"=100' showing property lines and the outline of the existing building in this area.
- d. A drainage plan will be required for any addition or accessory structure that is not placed on an impervious area. Plan is required to meet all provisions of the city's drainage ordinance.
- e. Location and size of any public utilities in the area of construction.

- f. On sites located adjacent to residential areas a plan for screening and buffering will be required.
- g. A revised ground coverage recap of the site.
- h. A review fee of twenty-five (\$25.00) dollars.

C. Fee

The Lawrenceburg City Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the office of the Building Inspector and City Hall. Only the City Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

D. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this 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 a waiving of any provisions of this ordinance.

E. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (Ord. #789, June 1993, as amended by Ord. #950, March 2002)

**7.040 TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Lawrenceburg City Commission. Such schedule shall be posted in the office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application. (Ord. #789, June 1993)

**7.050 CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof hereafter erected, moved, or altered 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 this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of 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 provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. (Ord. #789, June 1993)

**7.060 BOARD OF ZONING APPEALS**

In accordance with 13-7-205 Tennessee Code Annotated, a Lawrenceburg Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the City Commission.

**A. Term of Office of Board Members, Removal, and Vacancies**

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for one (1) year, two for two (2) years, and two for three (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Commission and may serve with such compensation as may be fixed by the City Commission and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

**B. Procedure**

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon. The records and minutes shall be filed in the office of the Building Inspector and shall be of public record.

C. Appeals to the Board

An appeal to the Lawrenceburg Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions 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 action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

E. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Lawrence County at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and



those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other side.

F. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

G. Liability of Board Members, Building Inspectors and Employees

Any board member, building inspector, or other employee charged with the enforcement of this ordinance, acting for the City of Lawrenceburg, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur 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, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

H. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

I. Rehearings

1. No rehearing of the decision by the Board shall be had except:
  - a. On motion to reconsider the vote; or
  - b. On a written request for a hearing.

2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted and applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article. (Ord. #789, June 1993)

## **7.070 VARIANCES**

The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

### **A. Application**

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

### **B. Hearings**

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall

consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Fee

A fee of fifty dollars (\$50.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

D. Standards for Variances

The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that 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 must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the

area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

#### **D. Restrictions and Variances**

1. 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.
2. Under no circumstances shall the Board of 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.
3. 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 Section 7.070, C., above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances. (Ord. #789, June 1993, as amended by Ord. #1103, Jan. 2013)

### **7.080 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS**

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 7.080, and is necessary for public convenience in the location planned.

C. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.080, H.), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special

exception on or by adjoining properties and properties generally in or near the district.

3. Refuse and service areas, with particular reference to the items in 1. and 2., above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space
8. General compatibility with adjacent properties and other property in the district.

D. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under

statutes of the State of Tennessee. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final, and subject to review only for illegality or want of jurisdiction. A fee of twenty-five dollars (\$25.00) shall be charged to cover review and processing of each application for a special exception.

H. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, character of adjoining structures, suitability of the site for the use, and such other factors as the Board may deem necessary.

2. Special Conditions for Upper Story Residential Conversion in the Central Business District

In addition to the standards contained elsewhere in this ordinance for the Central Business District, the Board of Appeals shall consider the effects on the quality of the Central Business District. In consideration of these cases, the board shall consider the commercial uses in the area and ensure that all plans for upper story renovation meets all local and state codes with total involvement by the building inspector and the local fire chief.

I. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- e. The site and architectural plans shall be approved by the Planning Commission.

2. Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

**Day Care Home** - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

**Day Care Center** - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

- (1) The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
- (2) All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.
- (3) All requirements of the State of Tennessee that pertain to the use shall be met.



- (4) An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.
- (5) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
- (6) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

- (1) The minimum lot sizes for day cares are the minimum lot sizes for the permitted zones for day cares as long as all State of Tennessee Requirements for day care facilities are met.
- (2) All bulk and setback regulations of the district shall be met.
- (3) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.
- (4) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
- (5) All regulations of the State of Tennessee that pertain to the use shall be met.
- (6) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- (7) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- (8) The site and architectural plans of such a facility shall be approved by the Planning Commission

taking into account the above conditions as well as any other pertinent factors.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot, unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.

c. Off-Street Parking

- (1) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
- (2) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the

traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding areas.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The site and architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care

a. Minimum Lot Area

- (1) No health clinic shall be permitted on a zone lot, unless it contains twice the lot area requirements of the district.
- (2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot, unless it contains a minimum of five (5) acres.
- b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
- c. All other regulations of the district shall apply.
- d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

- f. All public utilities and sewage disposal shall be available and connected to the site.
- g. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.
- h. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;

(1) Community Facility Activities

(2) Commercial Activities

Convenience Sales and Services  
Automotive Parking  
Food Service  
Medical Service

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
- e. The site plan for such facilities shall be approved by the Planning Commission taking into account the above

conditions as well as any other pertinent factors related to the use and operation of such facility.

9. Special Conditions for Essential Public Transport, Communication, and Utility Services

- a. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- b. All of the bulk regulations of the zone district shall apply.
- c. The location of such facility shall not materially increase traffic on surrounding streets.
- d. The location of such a facility shall not have an adverse effect on surrounding properties.
- e. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- f. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

10. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

J. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Specific Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
  - (1) The minimum size site shall be twenty-five (25) acres.
  - (2) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
  - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - (4) Access to such facility shall be by a paved road and such road shall be either a major arterial or major

collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

- (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
  - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
  - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
  - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- (1) Such campground shall have on site management.
  - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1), acre whichever is smaller.



(3) Such Campground Shall Meet the Following Standards:

Minimum size - Ten (10) acres.

Maximum density - Ten (10) campsites per gross acre.

Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) per campsite.

Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(4) Such Campground Shall Meet the Following Design Requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not

include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half ( $\frac{1}{2}$ ) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

K. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified, below, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activities

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

- b. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
  - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
  - (2) Location of the area in which the proposed quarrying activity is to be conducted.
  - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
  - (4) Proposed method of drainage of the quarry area.
  - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
  - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - (7) Methods proposed to control noise, vibration and other particulate matter.
  - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone

lots, the outer perimeter of the site shall be considered the lot line.

- d. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
- f. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Special Conditions for Commercial Storage of Explosives

- a. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- b. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- c. All regulations of the State Fire Marshal relating to the storage of explosives shall be met.
- d. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- e. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use of such facilities.

L. Specific Standards for Intermediate Manufacturing Activities

1. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted, unless the standards below are met:

- a. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

2. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- a. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the Planning Commission taking into account factors related to the use and operation of the facility. (Ord. #789, June 1993, as amended by Ord. #1324, Nov. 2021 ***Ch5\_04-27-23***)

**7.090 AMENDMENTS TO THE ORDINANCE**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Lawrenceburg Commission. Any member of the City Commission may introduce such legislation, or any official, board, or any other person may present a petition to the City Commission requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective, unless it is first submitted to the Lawrenceburg Regional Planning Commission for review and

recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the City Commission. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the City Commission to become effective. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the City Commission.

Before finally adopting any such amendment, the City Commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

A fee of fifty dollars (\$50.00) due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Lawrenceburg to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance. (Ord. #789, June 1993)

#### **7.091 Application for Rezoning**

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Lawrenceburg Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property and the written certification of the authorized agent.
2. A written legal description of the subject property including the Lawrence County Tax Plat number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
  - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
  - b. Dimensions in feet of property to be rezoned.
  - c. All roads and easements within or adjoining property to be rezoned.
  - d. Location, size, type and current use of any building on the property requested for rezoning.
  - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. A fee of fifty dollars (\$50.00). (Ord. #789, June 1993)

#### **7.100 PENALTIES**

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense. (Ord. #789, June 1993)

#### **7.110 REMEDIES**

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this 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 an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (Ord. #789, June 1993)

#### **7.120 VALIDITY**

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall

not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional. (Ord. #789, June 1993)

**7.130 INTERPRETATION**

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other resolution, the provisions which are more restrictive shall govern. (Ord. #789, June 1993)

**7.140 EFFECTIVE DATE**

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Lawrenceburg Regional Planning Commission. (Ord. #789, June 1993)



ORDINANCE NO. 1025

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LAWRENCEBURG, TENNESSEE.

WHEREAS, some of the ordinances of the City of Lawrenceburg are obsolete, and

WHEREAS, some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS, the Board of Mayor and Commissioners of the City of Lawrenceburg, 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 "Lawrenceburg Municipal Code," now, therefore;

BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF LAWRENCEBURG, TENNESSEE, THAT;

**SECTION 1. Ordinances codified.** The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles", namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Lawrenceburg 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 unless the ordinance(s) were adopted after March 9, 2004, 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: Ordinance numbers 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and any other ordinances adopted or amended after July 19, 2007; any ordinance(s) adopted after March 9, 2004 during the pendency of the revision of the municipal code; any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc. any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefore; any ordinance dedicating or accepting any plat of subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**SECTION 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**SECTION 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) or the maximum allowed by Tennessee state law, whichever is greater, 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".<sup>1</sup>

<sup>1</sup> State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**SECTION 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted there from.

**SECTION 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The Board of Mayor and Commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**SECTION 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**SECTION 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

**SECTION 10. Effective Date.** 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, the public welfare requiring it.

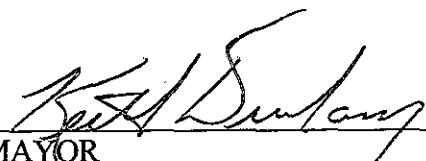
This Ordinance approved as to form by:

  
ALAN C. BETZ, CITY ATTORNEY

ORDINANCE FILED: July 3, 2007  
Passed First Reading: July 5, 2007  
Passed Second Reading: July 19, 2007

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF LAWRENCEBURG, TENNESSEE THIS 19th DAY OF July, 2007.

CITY OF LAWRENCEBURG, TENNESSEE, A  
MUNICIPAL CORPORATION

  
MAYOR

ATTEST:

  
CITY ADMINISTRATOR/  
ACTING CITY RECORDER