THE
LEBANON
MUNICIPAL
CODE

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

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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CITY OF LEBANON, TENNESSEE

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Preface

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

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number with the last two numbers showing the section number within the chapter, so that, for example, title 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 readily find all provisions in the code relating to any question that might arise.

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

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

(2) That one copy of every ordinance adopted by the city is furnished to MTAS immediately after its adoption (see section 8 of the adopting ordinance).

(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 that again the code will be complete and up to date. If this very simple procedure is followed, the code will be kept up to date in a way that will serve fully the needs of the city's officials and citizens. If any questions or problems arise concerning the updating procedure, an MTAS Ordinance Codification Consultant is available to the city for advice and assistance.

The able assistance of Mrs. Tracy Gardner, MTAS Sr. Word Processing Specialist and Mrs. Bobbie Sams, MTAS Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Sidney D. Hemsley
Senior Legal Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

An affirmative vote of a majority of the members of the city council is required to adopt any ordinance or resolution. (Art. III, sec. 15)

Ordinances and resolutions are to be signed by the presiding officer and the commissioner of finance and revenue. (Art. III, sec. 15)

Ordinances shall begin with "Be it ordained by the City of Lebanon." (Art. IV, sec. 1)

Ordinances are required to be read twice, except that ordinances making a grant, renewal or extension of a franchise or regulating a utility rate are required to be read three times. (Art. IV, sec. 3)

All ordinances are required to be published in a newspaper published in Lebanon, or in pamphlet form, or by posting the ordinance in a conspicuous place in the Wilson County Courthouse, and/or the city hall. (Art. IV, sec. 3)
TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. CITY COUNCIL.
2. MAYOR.
3. COMMISSIONER OF FINANCE AND REVENUE.
4. CIVIL EMERGENCIES.
5. WARDS.
6. REORGANIZATION, REDEFINITION OR CREATION OF CERTAIN POSITIONS.
7. METHOD OF SUBPOENA POWER OF CITY COUNCIL.
8. DEPARTMENT OF PUBLIC SAFETY.
9. DEPARTMENT OF COMMUNITY SERVICES.
10. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL

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

1-101. Time and place of regular meetings. The regular meetings of the City Council of Lebanon, Tennessee, shall be held on the first and third Tuesday of each month at 6:00 P.M. Any meeting, in addition to these, to conduct business, other than the regular meeting, shall be called a special meeting pursuant to the provisions of Article III, Section 7 of the Lebanon City Charter.

1Municipal code references
Building, plumbing, electrical, and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.

2Charter references
Election, qualifications, etc., of the mayor and council members:
Art. III, § 1.
Ordinance powers of the city: Art. II.
Enactment and preservation of ordinances: Art. IV.
The regular meetings and any special called meetings shall be held in the town hall meeting room in the City of Lebanon Administration Building, 200 Castle Heights Avenue North, Lebanon, Tennessee, unless otherwise announced by notice to the city council.

All meetings shall be announced to the press media and notice of the meetings and any work sessions shall be posted on the bulletin board at the city administration building. (1968 code, sec. 1-101; as replaced by Ord. #98-1763, Mar. 1998; and amended by Ord. #99-2041, Dec. 1999, and Ord. #01-2228, June 2001)

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

1. Call to order by the mayor.
2. Roll call.
3. Reading of minutes of the previous meeting and approval and correction.
5. Communications from the mayor.
6. Reports from committees, aldermen, and other officers.
7. Old business.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1968 code, sec. 1-103)
CHAPTER 2

MAYOR

SECTION
1-201. Generally supervises city's affairs.

1-201. **Generally supervises city's affairs.** The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1968 code, § 1-201)
CHAPTER 3

COMMISSIONER OF FINANCE AND REVENUE

SECTION
1-301. To perform general administrative duties, etc.

1-301. To perform general administrative duties, etc.  The commissioner of finance and revenue shall perform all administrative duties for the city council and for the city which are not assigned by the charter, this code, or the city council to another corporate officer. He shall also have custody of, and be responsible for maintaining, all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1968 code, § 1-301)

1Charter reference: Art. VII.
CHAPTER 4

CIVIL EMERGENCIES

SECTION
1-401. Definitions.
1-402. Proclamation of civil emergency.
1-403. Curfew authorized.
1-404. Powers of mayor during civil emergency.
1-405. Violations.
1-406. No intent to limit peaceful demonstrations, etc.
1-407. Exceptions to curfew.

1-401. Definitions. (1) A civil emergency is hereby defined to be:
   (a) A riot or unlawful assembly characterized by the use of actual force or violence or threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority by law.
   (b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Lebanon, Tennessee, resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
   (c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) A curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of Lebanon, Tennessee, except persons officially designated to duty with reference to the civil emergency or those lawfully on the streets as defined hereinafter. (1968 code, § 1-1501)

1-402. Proclamation of civil emergency. When, in the judgment of the mayor, a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which

Municipal code reference
Civil defense: title 2, chapter 5.
proclamation will be filed with the commissioner of finance and revenue. (1968 code, § 1-1502)

1-403. **Curfew authorized.** After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographic areas of the city or to the city as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. The proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days. (1968 code, § 1-1503)

1-404. **Powers of mayor during civil emergency.** After proclamation of a civil emergency, the mayor of Lebanon, Tennessee, may at his discretion, in the interest of the public safety and welfare, make any of the following orders:

1. Order the closing of all retail liquor stores.
2. Order the closing of all establishments wherein beer or alcoholic beverages are served.
3. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer, or both, is permitted.
4. Order the discontinuance of the sale of beer.
5. Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
6. Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.
7. Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.
8. Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms or ammunition, or both.
9. Issue such other orders as are necessary for the protection of life and property. (1968 code, § 1-1504)

1-405. **Violations.** Any person violating the provisions of this chapter or any executive order issued pursuant hereto shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 code, § 1-1505)

1-406. **No intent to limit peaceful demonstrations, etc.** It is the intent of the city council not to limit peaceful demonstrations, freedom of speech, or the lawful use of the streets, alleys, and public property except to the extent necessary to avert or control a civil emergency. (1968 code, § 1-1506)
1-407. **Exceptions to curfew.** Any curfew as defined herein shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1968 code, § 1-1507)
CHAPTER 5

WARDS

SECTION
1-501. City divided into six wards.
1-502. Ward one.
1-503. Ward two.
1-504. Ward three.
1-505. Ward four.
1-506. Ward five.
1-507. Ward six.

1-501. City divided into six wards. The City of Lebanon, Tennessee, is hereby divided into six (6) wards, namely first ward, second ward, third ward, fourth ward, fifth ward, and sixth ward.\(^1\) (Ord 91-867, as replaced by Ord. #92-981, Oct. 1992; Ord. #93-1039, June 1993; Ord. #93-1091, Nov. 1993; Ord. #94-1170, June 1994; Ord. #95-1263, March 1995; Ord. #95-1345, Sept. 1995; Ord. #98-1778, May 1998; Ord. #99-1956, Aug. 1999; and Ord. #01-2285, Oct. 2001)


\(^1\)The map outlining these wards is of record in the office of the recorder.

\(^2\)Exhibits A, C, D, E, F and G referred to in this chapter are of record in the office of the city recorder.
Exhibits A, C, D, E, F and G referred to in this chapter are of record in the office of the city recorder.


1-508. Future annexed territory. Any future annexed territory shall become a part of the ward to which it is contiguous. Should territory be contiguous to more than one ward, it shall become a part of that ward to which it shares a greater boundary. (as added by Ord. #05-2737, April 2005)

¹Exhibits A, C, D, E, F and G referred to in this chapter are of record in the office of the city recorder.
CHAPTER 6

REORGANIZATION, REDEFINITION OR CREATION

OF CERTAIN POSITIONS

SECTION
1-601. Assistant chief of police.
1-602. City attorney.
1-603. Chief building inspector.
1-604. Director of codes enforcement.
1-605. Responsibilities involving fire code inspection.
1-606. Fire chief.
1-607. Public-private service liaison officer.
1-608. Job descriptions.

1-601. Assistant chief of police. The position of assistant chief of police is hereby reinstated, and said assistant shall answer to the chief of police and act on behalf of the chief in his absence. (Ord. #94-1116, Jan. 1994)

1-602. City attorney. The position of city attorney shall henceforth be a full-time position, rather than a part-time position. (Ord. #94-1116, Jan. 1994; as amended by Ord. #04-2593, April 2004)

1-603. Chief building inspector. The position of chief building inspector shall be and is hereby restructured. Said chief building inspector shall be responsible for the management and administration of all building inspection programs and shall answer directly to the city engineer. (Ord. #94-1116, Jan. 1994)

1-604. Director of codes enforcement. The position of director of codes enforcement shall assume responsibility for enforcement of codes involving existing buildings, structures and properties and shall work with the city attorney and city prosecutor to improve the codes administration and enforcement. Said codes enforcement responsibilities shall involve beautification efforts. (Ord. #94-1116, Jan. 1994)

1-605. Responsibilities involving fire code inspection. The responsibilities involving fire code inspection shall be and are hereby delegated to the director of codes enforcement and chief building inspector. The director of codes enforcement shall be responsible for the inspection of existing buildings, structures and properties; and the chief building inspector shall have the responsibility for the inspection of new construction or remodeling. (Ord. #94-1116, Jan. 1994)
1-606. Fire chief. The fire chief shall assume the dual role of fire marshal and chief and shall be available for consultation with the inspectors concerning any fire code violations. All fire violations shall be certified by the fire chief/fire marshal. (Ord. #94-1116, Jan. 1994)

1-607. Public-private service liaison officer. The position of public-private service liaison officer is hereby created for the purpose of coordinating and improving governmental activities and relationships involving both public-private sectors, and to coordinate public-private partnerships for the benefit and betterment of the City of Lebanon; and to establish networking between the city government and the various private sectors of our community, but not limited to areas of health, business, education and industry. The officer shall be under the direction of the mayor. A written report shall be included in the State of the City Quarterly Report. The officer shall be expected to promote the stabilization and expansion of existing businesses, and to coordinate the public services needed for new and existing businesses. The officer shall also promote public awareness as to the public services being performed by the employees of the City of Lebanon. (Ord. #94-1116, Jan. 1994)

1-608. Job descriptions. The job descriptions for the positions described herein shall be amended or created to conform to the intent and purpose of this chapter.
CHAPTER 7

METHOD OF SUBPOENA POWER OF CITY COUNCIL

SECTION
1-701. Request of subpoena.
1-702. Issue and service of subpoena.

1-701. **Request of subpoena.** Any party or attorney for any party may request that subpoenas be issued requiring the appearance of witnesses before any formal meeting of the council or a committee or board operating under the authority of the city council before which said party has a matter set for hearing. (Ord. #92-946, June 1992)

1-702. **Issue and service of subpoena.** A request for subpoena shall be made to and issued by the mayor or commissioner or assistant commissioner of finance and revenue. The subpoena shall be issued as soon as practicable and may be served by any person qualified to serve subpoenas under any statute or court rule of the State of Tennessee. (Ord. #92-946, § 2, June 1992)
CHAPTER 8

DEPARTMENT OF PUBLIC SAFETY

SECTION
1-801. Creation.
1-802. Department heads.

1-801. Creation.  Upon implementing this chapter, there shall be created the department of public safety, and the position of commissioner of public safety who shall be the department head and have the same employment status as the other department heads under the provisions of amended Ord. #99-1884. The chief of police and the fire chief shall be department heads who will report directly to the commissioner of public safety. (as added by Ord. #01-2188, Jan. 2001)

1-802. Department heads.  (1) Upon implementing this chapter there shall be the following department heads: commissioner of finance and revenue, commissioner of public safety, commissioner of public works, director of parks and recreation, director of personnel, and the chiefs of police and fire departments. The position of city judge shall be appointed by the mayor, confirmed by the city council, and shall be for a four (4) year term. The city attorney shall be appointed by the mayor, confirmed by the city council, and serve at the pleasure of the mayor.

(2) Under the reorganization plan, the mayor shall hire and directly supervise the commissioner of public safety, and the following other department heads and judicial officials: commissioner of finance and revenue, commissioner of public works, city attorney, city judge, director of parks and recreation, director of personnel and director of leisure services. The positions of police chief, fire chief, and public safety coordinator shall be hired and directly supervised by the commissioner of public safety. All other management positions shall be supervised by those department heads as stated herein.

(3) All department heads and judicial officials reporting to the mayor subject to this chapter shall also be subject to the City of Lebanon Personnel Rules and Regulations.

(4) The department heads delineated herein may be disciplined, up to and including termination, in accordance with the City of Lebanon Personnel Rules and Regulations, as determined by the mayor and two-thirds (2/3) vote of the Lebanon City Council. (as added by Ord. #01-2188, Jan. 2001; and amended by Ord. #05-2745, June 2005)
CHAPTER 9

DEPARTMENT OF COMMUNITY SERVICES

SECTION
1-901. Created.
1-902. Department heads.

1-901. Created. Upon passage of this chapter, there shall be created the department of community services and the position of director, family life center, who shall be the department head of the family life center and have the same employment status as the other department heads under the provisions of amended ordinance #99-1884. (as added by Ord. #02-2314, Jan. 2002)

1-902. Department heads. (1) Upon passage of this chapter, there shall be the following department heads: commissioners of public safety, commissioner of finance and revenue, commissioner of public works, director of parks and recreation, director of personnel, director family life center, and the chiefs of police and fire departments. The position of city judge shall be hired by the mayor, confirmed by the city council, and shall serve for a four (4) year term. The city attorney shall be hired by the mayor and confirmed by the city council.

(2) The mayor shall hire and directly supervise the following department heads and judicial officials: commissioner of public safety, commissioner of finance and revenue, commissioner of public works, director of parks and recreation, director of personnel, director family life center, city judge, and city attorney. The positions of police chief, fire chief, and public safety coordinator shall be hired and supervised by the commissioner of public safety. All other management positions shall be supervised by those department heads as stated herein.

(3) All department heads and judicial officials reporting to the mayor or commissioner of public safety as set forth in this chapter, shall be held to the City of Lebanon Personnel Rules and Regulations, with the exception of the disciplinary and appeals process.

(4) The department heads delineated herein may be disciplined, up to and including termination, in accordance with the City of Lebanon Personnel Rules and Regulations, as determined by the mayor and two-thirds (2/3) vote of the Lebanon City Council. (as added by Ord. #02-2314, Jan. 2002; and amended by Ord. #05-2745, June 2005)
STATE STATUTES

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

Campaign finance - **Tennessee Code Annotated**, title 2, ch. 10.


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


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

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

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

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**CHAPTER 10**

**CODE OF ETHICS**

**SECTION**

1-1001. Applicability.
1-1002. Definition of personal interest.
1-1003. Disclosure of personal interest by official with vote.
1-1004. Disclosure of personal interest in non-voting matters.
1-1005. Acceptance of gratuities, etc.
1-1006. Use of information.
1-1007. Use of municipal time, facilities, etc.
1-1008. Use of position or authority.
1-1009. Outside employment.
1-1010. Ethics complaints.
1-1011. Violations.
1-1012. Appearance of impropriety.
1-1001. **Applicability.** This chapter is the code of ethics for personnel of the City of Lebanon. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1002. **Definition of "personal interest."** (1) For purposes of §§ 1-1003 and 1-1004 of this chapter, "personal interest" means:
   (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
   (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
   (c) Any such financial, ownership, or employment interest of the official’s or employee’s spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren); or
   (d) Any such financial, ownership, or employment interest of the official’s or employee’s spouse’s parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).
   (2) The words "employment interest" include:
      (a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon; and
      (b) Any situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of a vote of any City of Lebanon board, committee, or commission, or that is to be regulated or supervised by the City of Lebanon.
   (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1003. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official’s vote on the measure. In addition, the
official may recuse himself\(^1\) from voting on the measure. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1004. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects, or that would lead a reasonable person to infer that it affects, the exercise of the discretion, or is in a reasonably apparent position of influence over such matter, shall disclose, before the exercise of the discretion or influence, when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1005. Acceptance of gratuities. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1006. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

2. An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1007. Use of municipal time or facilities. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

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

\(^1\)Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.
municipality. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1008. **Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1009. **Outside employment or other position of financial interest.** (1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon.

(2) All positions of outside employment, or other position of financial interest, must be submitted on the outside employment form provided by the city and approved on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.

(3) No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

   (a) Will unreasonably inhibit the performance of any affirmative duty of the city position or conflict with any provision of the city's charter or any ordinance or policy;

   (b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or

   (c) Is incompatible with city employment in any way, including the appearance of any conflict of interest or impropriety. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1010. **Ethics complaints.** (1) The city attorney is designated as the ethics coordinator for the City of Lebanon. Upon the submission to the city attorney of any written, credible request or ethics complaint regarding any alleged violations of this chapter by any employee or official, whether appointed or elected, the city attorney shall gather and organize any information required to fully investigate the written request or ethics complaint and shall forward such information to an attorney designated by the Lebanon City Council as an ethics investigator. In all respects, the city attorney shall act as the city's liaison to the ethics investigator during, and at the conclusion of such investigation. The written request or ethics complaint shall be delivered to the city attorney
as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to a perjury charge as permitted by the law of the State of Tennessee. The mayor and city council shall be advised that an ethics inquiry is occurring.

(2) Such ethics investigator shall be chosen from any one (1) of three (3) attorneys approved annually by resolution at the second city council meeting of July as administrative law officers, and with whom the City of Lebanon has entered into an agreement for compensation to act in such capacity.

(3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the city council may be used to obtain information, if required. The ethics investigator shall report the findings to the city attorney within sixty (60) days of the complaint, unless more time is required and approved by city council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Lebanon City Council, the mayor, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal. A policy regarding procedures and protections for reporting alleged ethics violations shall be incorporated into the Lebanon Personnel Rules and Regulations.

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

(8) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or
regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-2982, Sept. 2006, replaced by Ord. #06-3069, June 2007, and amended by Ord. #09-3502, March 2009)

1-1011. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 2007)

1-1012. Appearance of impropriety. At all times, every City of Lebanon employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety. (as added by Ord. #06-3069, June 2007)
City of Lebanon  
Disclosure of Personal Interest by City Employee

Any City of Lebanon employee who has apparent influence over or exercises discretion relative to any matter, and who has a personal interest, as defined by Lebanon Municipal Code (LMC) 22-102, in the matter, must complete this form and file it with the Commissioner of Finance. LMC 22-102 defines a personal interest as any financial, ownership, or employment interest in a matter to be regulated or supervised by the employee that could affect, or could reasonably be inferred to affect, the employee's discretion or influence. This includes any financial, ownership, or employment interest of the employee's or official's spouse, and such spouse's, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).

NAME OF EMPLOYEE: ________________________________

1. Individual Occurrence

Briefly describe the situation in which you have apparent influence or must exercise discretion, and in which you have a personal interest that could affect such influence or discretion:

________________________________________________________________________

________________________________________________________________________

2. Continual Occurrences

For individuals, businesses, or entities that the City of Lebanon will enter into transactions with more than once each calendar year and in which you have a personal interest, you may make one (1) disclosure for the calendar year by reporting it here:

Name of Individual, Business, or Entity ________________________________

Briefly describe the transactions that will take place between the municipality and the named entity during the calendar year in which you will exercise discretion and in which you have a personal interest that could affect that discretion:

________________________________________________________________________

________________________________________________________________________

Date: ____________ ________________________________

Employee's Signature
CITY OF LEBANON
OUTSIDE EMPLOYMENT OR OTHER POSITION OF FINANCIAL
INTEREST DISCLOSURE FORM

Part 1

A. The City of Lebanon, Tennessee, requires all employees, whether part
time or full time, to disclose, and receive approval for, any and all
positions of outside employment, or other positions of financial interest.
Outside employment, or other position of financial interest, as defined by
LMC 22-109, shall include any job, occupation, consultation, or other
position for which the employee is compensated, whether by a third
party/entity or in a self-employed capacity, other than the City of
Lebanon. For all full time, classified City of Lebanon employees, his or
her employment with the City shall be considered the employee's primary
employment and any other outside employment, or other position of
financial interest, shall be considered subordinate to the City position.

B. All positions of outside employment, or other position of financial
interest, must be approved in writing on an annual basis by the
employee's respective department head prior to the acceptance, or
continuance, of such secondary employment. Each and every instance of
secondary employment must receive approval. No blanket approvals shall
be granted.

C. No employee of the City of Lebanon shall be permitted to continue in,
commence, or accept any position of outside employment, or other
position of financial interest, if such outside employment, or other
position of financial interest:

1. Will unreasonably inhibit the performance of any affirmative duty
   of the City position or conflict with any provision of the City's
   charter or any ordinance or policy;

2. Is likely to interfere with the employee's satisfactory performance
   of his or her duties and responsibilities; or

3. Is incompatible with City employment in any way, including the
   appearance of any conflict of interest.

D. Upon approval or disapproval, a copy of this form shall be given to the
employee for his or her personal records and the original shall be placed
in the employee's City of Lebanon personnel file.
Part II

This request must be submitted to, and approved by, the employee's department head prior to the initiation or acceptance of any position of outside employment, or other position of financial interest, or to continue any position of outside employment, or other position of financial interest, the employee has prior to the adoption of this form. Additionally, the submission and approval of this request form shall be renewed annually. Any changes in outside employment, or other position of financial interest, shall be immediately reported to the department head.

Name of Employee: ________________________ Position: _______________
Outside Employer: ________________________
Outside Employer's Address: ________________________
Outside Employer's Telephone: ________________
Secondary Employment Commencement Date: _________________
Describe in detail the type of work to be performed in the outside employment, or other position of financial interest: ____________________________________
________________________________________________________________________
________________________________________________________________________
I, ____________________, hereby consent to my outside employer releasing my employment record and information to the City of Lebanon. I also understand that my failure to comply with City of Lebanon rules, regulations, and policies regarding outside employment may result in disciplinary action against me.

Employee's signature: __________________________
Date: __________________

Department Head Signature: __________________________
Date: __________________

Approved: ___________ Disapproved: ___________
TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER
1. RECREATION ADVISORY BOARD.
2. INDUSTRIAL BOARD.
3. AIRPORT COMMISSION.
4. BEAUTIFICATION COMMISSION.
5. CIVIL DEFENSE ORGANIZATION.
6. LEBANON CITIZENS REVIEW AND ADVISORY BOARD.

CHAPTER 1

RECREATION ADVISORY BOARD

SECTION
2-101. Recreation advisory board created.
2-102. Membership.
2-103. Purpose.

2-101. Recreation advisory board created. In order to best promote public health, safety, morals, order, convenience, and the general welfare of the inhabitants of Lebanon, Tennessee, and to provide for a general supervised recreational program, a recreational advisory board for Lebanon, Tennessee, is hereby created and established. (Ord. 81-475, § 1)

2-102. Membership. The recreation advisory board shall consist of five (5) members who shall be appointed by the mayor to serve for a term of two (2) years. Any vacancy in an appointive membership shall be filled for the unexpired term in the same manner. The mayor shall have the authority to remove any appointed member at his pleasure. All members shall serve without compensation. (Ord. 81-475, § 2)

¹Ord. no. 89-707 authorized the mayor and finance commissioner to enter into an interlocal agreement with Wilson County to form the Joint Economic Community Development Corporation of Wilson County. City members of the board are the mayor and two aldermen selected by the Lebanon City Council.

Municipal code references
Cross connections control board: title 18, ch. 1, § 18-106.
Industrial development board: this title, ch. 2.
2-103. **Purpose.** It shall be the purpose and duty of the advisory board to study the recreation program for the City of Lebanon and make recommendations to the mayor, commissioner of finance and revenue, and the city council for further development and upgrading of the recreational program. The advisory board shall have no budget and will not be authorized to make any expenditures obligating the City of Lebanon. (Ord. 81-475, § 3)
CHAPTER 2

INDUSTRIAL BOARD

SECTION
2-201. Industrial board created.
2-203. Powers and authority.
2-204. Expenditures.

2-201. **Industrial board created.** In order to best promote, guide, and accomplish the coordinated industrial development of Lebanon, Tennessee, in accordance with existing and future needs for industrial growth, and to best promote public health, morals, safety, order, convenience, prosperity, and the general welfare, an industrial board for Lebanon, Tennessee, is hereby created and established, and said board shall be organized and empowered as hereinafter set forth. (1968 code, § 1-1101)

2-202. **Membership.** The industrial board of Lebanon, Tennessee, shall consist of ten (10) members who shall be appointed by the mayor of Lebanon, Tennessee, to serve for a term of two (2) years. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointed member at his pleasure. In addition to the ten (10) appointive members the incumbents in the following offices shall be ex officio members: mayor, commissioner of finance and revenue, commissioner of public works, and the secretary of the Lebanon and Wilson County Chamber of Commerce. All members shall serve without compensation. (1968 code, § 1-1102)

2-203. **Powers and authority.** The industrial board of Lebanon, Tennessee, shall have the power and authority, by all ethical and lawful methods, to seek to interest new industry to locate in Lebanon, Tennessee, and to that end the industrial board is hereby authorized to advertise in any manner or form. Said board shall further have the power and authority to take corrective action toward relieving, abolishing, or removing any and all industrial disadvantages that now exist and are practical of correction, same to include but

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1See footnote on page 2-1 relating to Joint Economic Community Development Corporation of Wilson County. Also see ord. no. 88-675 which establishes the Lebanon-Wilson County Industrial Park and the Lebanon-Wilson County Industrial Park Operating Board, and ord. nos. 86-552 and 87-586 establishing a Joint City-County Industrial Park and acquiring property for same.
not to be limited to, excessive smoke, noise, and floods, and to recommend to the city council such corrective steps toward improving the industrial advantages of Lebanon, Tennessee, as from time to time come to the attention of the industrial board. (1968 code, § 1-1103)

2-204. Expenditures. The industrial board of Lebanon, Tennessee, is authorized to expend such funds of Lebanon, Tennessee, as may from time to time be appropriated to the board by the city council and that are necessary in promoting the industrial advantages of Lebanon, Tennessee. (1968 code, § 1-1101)
SECTION
2-301. Airport commission created.
2-302. Membership.
2-303. Duties.
2-304. Expenditures.

2-301. Airport commission created. There is hereby created a commission for the City of Lebanon, Tennessee, to be designated as the "Lebanon Airport Commission." (1968 code, § 1-1201)

2-302. Membership. The airport commission shall consist of no more than eight (8) voting members, one (1) of whom shall be the commissioner of public works or his designated representative and one (1) of whom shall be a sitting Lebanon City Council member appointed by the mayor and approved by the Lebanon City Council. The other six (6) voting members shall be chosen as follows:

Two (2) members shall be appointed by the mayor and approved by the Lebanon City Council and the other four (4) members shall be elected by the Lebanon City Council at the second regular meeting in January, beginning in January, 2007. At the first regular Lebanon City Council meeting in January, 2007 and every two (2) years thereafter, the members of the Lebanon City Council, including the mayor, shall submit names to be considered for the election to the airport commission. On and after the second regular Lebanon City Council meeting in January, 2007, the commission membership term shall be for two (2) years. All present members of the Lebanon Airport Commission shall continue to serve until the election in January, 2007 at which time their present terms shall expire, and they shall be subject to the election process described herein. Any vacancies of airport commission membership occurring after passage of the ordinance comprising this chapter shall be filled by an election held before the Lebanon City Council, upon nomination and a majority vote of the Lebanon City Council. If a vacancy occurs, the airport commission may continue to meet so long as there are at least five (5) members in attendance. On and after January, 2007, the chairman of the airport commission shall be chosen by majority vote of the airport commission members. The mayor shall also have the ability to appoint the city engineer and one (1) other sitting Lebanon City Council member which shall sit as ex-officio (non-voting) members of the airport commission. The ex-officio appointments shall not require approval of the Lebanon City Council. (1968 code, § 1-1202, as replaced by Ord. #06-2856, Feb. 2006)
2-303. Duties. (1) The duties of the airport commission are to plan and recommend to the city council such action and steps as from time to time become proper and necessary for the expansion and improvement of Lebanon’s municipal airport and to that end to apply for and secure from any agency of the State of Tennessee or of the United States Government on behalf of Lebanon, Tennessee, such funds as may now or hereafter become available for municipal airport expansion, extension, or improvement.

(2) In addition and complimentary to the duties addressed in subsection (1), the airport commission shall have the following duties:
   (a) To promote the orderly growth, development, and use of the airport;
   (b) To promote public safety at and around the airport;
   (c) To oversee and enforce the policy of the airport, established by the City of Lebanon Municipal Airport Minimum Standards and Rules and Regulations,¹ and to assure service to the citizens who use the airport, owners of airplanes located at the airport, and the traveling public who utilize the airport;
   (d) To promote harmony between citizens who reside near the airport and the people who use the airport;
   (e) To recommend an airport budget to the Lebanon City Council and to oversee compliance with the budget; and
   (f) To cooperate with the Tennessee Department of Transportation – Aeronautics Division and the FAA in the development and use of the airport and to facilitate on behalf of the city and the receipt of FAA grants for the airport.

(3) The authority of the Lebanon Airport Commission to undertake the duties stated herein exist only when acting in session as a commission and not as individual persons. The commissioner of public works of his designated representative shall be empowered on a daily basis to act on behalf of the Lebanon Airport Commission and/or the City of Lebanon to enforce airport minimum standards and to oversee the real property known as the Lebanon Airport. (1968 code, § 1-1203, as amended by Ord. #06-2856, Feb. 2006)

2-304. Expenditures. The airport commission shall have the power and authority to expend such funds as may from time to time hereafter be made available to it either by grant, gift, or otherwise from any state, federal, or private source or by appropriation by the city council for Lebanon, Tennessee. (1968 code, § 1-1204)

¹Ord. #06-2855 adopted the Minimum Standards as recommended by the Lebanon Airport Commission and are incorporated by reference as if appearing verbatim. These Minimum Standards are adopted as the official standards for the Lebanon Municipal Airport, and are of record in the office of the city recorder.
CHAPTER 4

BEAUTIFICATION COMMISSION

SECTION

2-401. City beautification commission created; membership; organization; expenditures; reports.

2-402. Duties and powers.

2-401. City beautification commission created; membership; organization; expenditures; reports. There is hereby created and established a city beautification commission which shall be composed of not more than twenty (20) members, excluding as ex officio members the mayor, the commissioner of public works, the city commissioner of finance and revenue and the secretary of the Lebanon and Wilson County Chamber of Commerce. The appointive members shall be appointed by the mayor to serve at his pleasure, and shall serve without compensation. To aid the city beautification commission in carrying out its duties and powers, which are set forth hereinafter, it shall have such organization and officers as the membership shall from time to time decide upon. One of the members shall serve as treasurer of the commission and shall execute a surety bond of not less than $1,000.00 to the City of Lebanon, the premium to be paid from the funds of the commission. All funds of the city beautification commission shall be disbursed by the treasurer of the commission on checks countersigned by the chairman of the commission. It shall be the duty of the city beautification commission, at the first regular meeting of the city council in January of each year, to file with the mayor and commissioner of finance and revenue a written financial report, certified by the treasurer and approved by the committee as signified by the approving signature of the chairman, the report to cover all funds, from whatever source, coming into its hands. At the first regular meeting of the city council in January and July of each year, the commission shall file a written report of the work performed and results accomplished by the commission. The city beautification commission is hereby authorized and empowered, in the name of the City of Lebanon, Tennessee, to accept gifts and contributions from individuals, firms, and/or corporations, or other sources, for the use and benefit of the City of Lebanon, Tennessee, to be expended by the city beautification commission as other funds are to be expended as hereinbefore provided, in carrying out the powers and duties of the beautification commission. (1968 code, § 1-1301)

2-402. Duties and powers. The duties and powers of the commission shall be to study, investigate, develop, and carry out plans for improving the health, sanitation, safety, cleanliness, and aesthetic influences and values of the city by beautifying the streets, highways, alleys, lots, yards, and other similar places in the city; to aid in the prevention of fires, diseases, and other casualties
by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots, and other similar places; to encourage the placing, planting, and preservation of trees, flowers, plants, shrubbery, and other objects of beauty and ornamentation in the city; to protect song birds and other wild fowl; to advise with and recommend plans to other agencies of the city for beautification of the city, and otherwise to promote public interest in the general improvement of the appearance and aesthetics of the city. Nothing herein shall be construed to abridge or change the powers and duties of the other commissions, departments, boards, and like agencies of the city. (1968 code, § 1-1302)
CHAPTER 5

CIVIL DEFENSE ORGANIZATION

SECTION

2-502. Authority and responsibility.
2-503. Office of director; authority and responsibility.
2-504. Lebanon-Wilson County Civil Defense Corps created.
2-505. No municipal or private liability.
2-506. Expenses of civil defense.
2-507. Date of effect.
2-508. Organization for emergency conservation, use, and distribution of secondary resources.

2-501. Lebanon-Wilson County Civil Defense Organization created. There is hereby created the Lebanon-Wilson County Civil Defense Organization, which shall be a joint operation by the City of Lebanon and the County of Wilson for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Wilson County shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and as a part of the Lebanon-Wilson County Civil Defense Organization. (1968 code, § 1-1401)

2-502. Authority and responsibility. (1) Authority. In accordance with federal and state enactments of law, the Lebanon-Wilson County Civil Defense Organization is hereby authorized to assist the regular government of the county and governments of all political subdivisions therein, as may be necessary due to enemy caused emergencies or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Wilson County. The Lebanon-Wilson County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of these disasters. The Lebanon-Wilson County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of these emergencies.

1Municipal code reference
Civil emergencies: title 1, chapter 4.
(2) **Responsibilities.** The Lebanon-Wilson County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Wilson County, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1968 code, § 1-1402)

**2-503. Office of director; authority and responsibility.**

(1) **Primary authority.** (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county executive or either by higher authority as appropriate.

(b) The director shall have overall responsibility for the preparation of all plans and recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the city and county.

(2) **Responsibility of the director.** The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties, and responsibilities of the Lebanon-Wilson County Civil Defense Organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1968 code, § 1-1403)

**2-504. Lebanon-Wilson County Civil Defense Corps created.** The Lebanon-Wilson County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority. It shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1968 code, § 1-1404)

**2-505. No municipal or private liability.** The duties prescribed in this chapter are an exercise by the city and county of their governmental functions for the protection of the public peace, health, and safety and neither the City of Lebanon nor Wilson County, the agents and representatives of the city and county, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity, except as provided by law. Any person owning or controlling real estate or other premises
for the purpose of sheltering persons during an actual, impending or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1968 code, § 1-1405, modified)

2-506. Expenses of civil defense. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this chapter without prior approval by the governing bodies of the city or county, or both; nor shall any person have any right to bind the city or county by contract, agreement, or otherwise without prior and specific approval by the governing bodies of the city or county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurers of the city and county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Lebanon or Wilson County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1968 code, § 1-1406)

2-507. Date of effect. The foregoing provisions in this chapter shall be effective from and after the time Wilson County adopts a resolution containing similar provisions. (1968 code, § 1-1407)

2-508. Organization for emergency conservation, use, and distribution of secondary resources. Whereas, it is evident that potential enemies of the United States have the capability to deliver a devastating nuclear attack upon the United States; and whereas, the federal government would act as soon as possible in the event of such an attack, to manage the country's resources and to stabilize the economy; and whereas, the federal government has requested the states and local governments to develop plans to manage their resources and stabilize their economies for a temporary period in the event of a national emergency when the federal government would be unable to administer such programs on a national level; and whereas, the State of Tennessee has developed management capabilities to:

(1) Administer for a temporary period immediately following any such attack, measures to control prices and rents, and to support federal
administration of wage and salary stabilization and financial agencies when required on monetary, credit, and tax measures;

(2) Impose consumer rationing;

(3) Conserve, control, and utilize all essential resources within the state;

Whereas, policies, plans, and operational procedures for emergency conservation, use, and distribution of secondary resources and economic stabilization must be developed and coordinated within the City of Lebanon, Tennessee, and firm assignments made to discharge these responsibilities. All local plans should be in consonance with state plans and shall be approved by the state office of emergency planning; now, therefore, be it ordained by the City of Lebanon, Tennessee, that pursuant to the powers granted by sections 58-2-117 through 58-2-119, Tennessee Code Annotated, and all other authority conferred upon the city council by law, hereby authorize, empower, and direct the mayor of Lebanon, Tennessee, on behalf of the City of Lebanon, Tennessee, to appoint an organization to develop adequate plans to conserve, make maximum use of, and insure equitable distribution of secondary resources and stabilize the economy in the City of Lebanon, Tennessee, and to appoint an organization of city employees and persons from the private sector to implement the plans under the aforementioned conditions. (1968 code, § 1-1408)
SECTION
2-601. Creation of board.
2-602. Purpose and intent.
2-603. Definitions.
2-604. Composition of board.
2-605. Responsibilities of board.
2-606. Scope of review, powers, and duties of authority.
2-607. Meetings.
2-608. Members; removal.
2-609. Intake of complaints.
2-610. Period of limitation.
2-611. Preliminary review.
2-612. Investigations.
2-613. Evidentiary fact finding meetings, informal resolution discussions, dismissals.
2-614. Notice to parties.
2-615. Police cooperation.
2-616. Confidentiality.
2-617. Rulemaking authority.
2-618. Facilitator's administrative duties.

2-601. **Creation of board.** There is hereby created a Lebanon Citizens Review and Advisory Board, hereinafter the "board," whose members shall be appointed by the mayor and approved by the Lebanon City Council. The mayor shall appoint the public safety coordinator as a facilitator for the board for the purpose of intaking complaints and providing other administrative services to the board, but said public safety coordinator shall have no voting rights on the board. No sworn police officer shall serve as a voting member of the board. (as added by Ord. #00-2160, Nov. 2000)

2-602. **Purpose and intent.** The purpose and intent of this chapter is to create a citizens review and advisory board to provide for a fair and just investigation of complaints brought by individuals against city police officers; to make thorough investigations of the same; to review police department policies, practices and procedures; to make recommendations regarding the same to the appropriate city officials; and to provide an independent intake point for such complaints. (as added by Ord. #00-2160, Nov. 2000)

2-603. **Definitions.** As used in this chapter the following words shall have the following means:
2-604. Composition of board. The Lebanon Citizens Review and Advisory Board shall be comprised of nine (9) citizens of the City of Lebanon. The board members shall be appointed by the mayor to reflect the diversity of the city and shall be approved by the city council. The initial board's term of service will be as follows: three members will be appointed for one year, three members will be appointed for two years and three members will be appointed for three years. Thereafter, the members shall serve three-year terms, with no more than four members changing in any calendar year. The public safety coordinator shall serve as facilitator to provide administrative services to the board as set forth herein, but he shall have no voting rights. The board shall elect a chairperson, vice chairperson, and a secretary from among its members at its first meeting of each calendar year. (as added by Ord. #00-2160, Nov. 2000, and amended by Ord. #02-2313, Jan. 2002)

2-605. Responsibilities of board. The following shall be the duties and responsibilities of the Lebanon Citizens Review and Advisory Board:

(1) To review complaints regarding the Lebanon Police Department and/or individual police officers, and make an initial determination of the validity of the same.

(2) To conduct investigations and hold informal resolution discussions regarding valid complaints, and thereafter make written findings of fact and
recommendations to the mayor, chief of police, and personnel director for appropriate city action to resolve the same.

(3) To review police department policy, procedures and training, and recommend changes thereto where or when necessary.

(4) To provide public disclosure of hearing outcomes, analysis and recommendations.

(5) To conduct regular meetings with the chief of police to ensure effective dialogue between the board and the police department. The time and frequency of such meetings shall be determined jointly by agreement of the chairperson of the board and the Lebanon Chief of Police.

(6) To oversee the hiring and actions of independent, licensed private investigators as necessary. The board may not hire investigators hired by or associated with any organized police, racial, or ethnic organization or group. Investigators hired by the board shall be citizens who have prior experience or training as private or police investigators.

(7) To oversee the intake and processing of complaints and compliments regarding the Lebanon Police Department and/or individual police officers.

(8) To recommend awards and commendations of police officers, as well as disciplinary or other appropriate action.

(9) To issue subpoenas to persons to appear before the board to give testimony and/or bring with them necessary relevant documentary evidence. (as added by Ord. #00-2160, Nov. 2000)

2-606. Scope of review, powers, and duties of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers and investigate the same. The board shall have subpoena authority to compel witnesses to appear and testify before it, and/or to present documentary evidence to facilitate investigations. The police department shall provide complete and full cooperation with the board and its investigators, but at no time shall the actions of the board interfere with or hinder criminal or civil investigations which are in progress by the police department nor shall they interfere with or hinder any relevant court procedure. The records of the board shall be public records at the conclusion of the investigation and upon the written finding of fact and recommendation of the board. After a preliminary investigation as to the truth of the allegations, the board may dismiss the complaint by a vote of the simple majority of the entire board; conduct its own further investigation; or it may hire trained, licensed, private investigators to conduct an independent investigation. The review board may hire its own administrative and investigative staff, or, when appropriate, request the independent state investigative services of the Tennessee Bureau of Investigation. The board may not hire investigators of any organized police, racial, or ethnic group. Investigators hired by the advisory board shall be citizens who have prior experience or training as private investigators. Upon
completion of such investigation, the board shall make a written findings of fact and conclusion based upon those findings; and, it shall make written recommendations to the chief of police, the mayor, and the personnel director for such disciplinary actions as are appropriate based upon the findings. The board shall provide public disclosure of informal resolution discussion outcomes, analysis and recommendations; it shall review police policy and procedures and recommend changes thereto when appropriate to address complaints; it may provide for an informal resolution of complaints as appropriate; and it shall conduct regular meetings with the chief of police to ensure effective dialogue regarding citizens’ concerns. The time and frequency of such meetings shall be determined jointly by the chairperson of the board and the Lebanon Police Chief. The board shall oversee the intake of both complaints and compliments regarding the Lebanon Police Department and its officers, and shall recommend awards and commendations to police personnel as well as disciplinary action when appropriate. (as added by Ord. #00-2160, Nov. 2000)

2-607. Meetings. The board shall meet on a regular basis, the time and frequency of which shall be determined by the board, but in no event shall be less than once a month and/or more often as necessary. The chairperson shall conduct such meetings and in his absence, they shall be conducted by the vice chairperson. The secretary shall keep accurate minutes which shall be approved by the board at its next scheduled meeting, and reflected in a minute book kept by the secretary. Such minutes shall be a public record, except to the extent they reflect facts regarding an on-going complaint investigation. (as added by Ord. #00-2160, Nov. 2000)

2-608. Members; removal. Any member of the Lebanon Citizens Review and Advisory Board may be removed for incompetence, neglect of duty, misconduct or malfeasance by vote of a simple majority of the city council and approval of the mayor. Any vacancy occasioned by resignation, death or removal of a member shall be filled for the balance of the unexpired term by appointment of the mayor, subject to approval of a simple majority of the city council. (as added by Ord. #00-2160, Nov. 2000)

2-609. Intake of complaints. The intake of complaints shall be made through the office of the public safety coordinator. The complaint shall be in writing on a form provided by said coordinator, and shall contain the following information:

1. A signed detailed statement indicating who, what, when, where, how, and why as known to the best of the complainant's knowledge. All complaints shall receive a written response within four (4) months after the complaint is received by the board. Said response shall detail the investigative results and action taken by the board, except in special circumstances where more time is needed to complete an investigation, make a finding of fact, and
recommendation; or, where intervening legal action shall prevent release of such response. (as added by Ord. #00-2160, Nov. 2000)

2-610. Period of limitation. After the effective date of this chapter, no complaint shall be received, filed, and processed more than thirty days after occurrence of any incident, and the board shall make no investigation or render any written findings or recommendations on any event which occurred prior to the establishment of this board. This limitation period is meant to ensure that witnesses' memory and testimony are fresh and other evidence is still preserved. (as added by Ord. #00-2160, Nov. 2000)

2-611. Preliminary review. Upon receipt of any complaint, the board shall meet to make a preliminary review of the same and determine if the complaint is valid and further investigation should occur. If in the opinion of the board it is necessary, for further investigative purposes, or to establish the validity of the complaint, for the complainant to make available any relevant medical or criminal records which he/she may have accrued, the board shall require the complainant to sign the appropriate record release forms provided by the board. Failure to sign said record release form(s), upon written request by the chairperson of the board, may constitute grounds for dismissal of the complaint. (as added by Ord. #00-2160, Nov. 2000)

2-612. Investigations. If, after the initial review, the board determines that further investigation is warranted, it shall have the power and authority to hire independent, trained, experienced licensed investigators to make a thorough investigation of the incident complained of. Such investigation shall be completed within 120 days of the date that the complaint was filed. The board may once extend this deadline by an additional sixty (60) days, with a written explanation for the reasons for the extension. The application of this deadline may be held in abeyance during such times as the board determines that an investigation might impede or harm a criminal investigation. The request and any extension granted by the board shall become a part of the record. To ensure objectivity and fair play, the board shall not employ any investigator who is a member of, or is hired by, any police, racial, or ethnic group or organization. So long as a complaint is under investigation by the board, its investigative files shall be confidential and not open to public review. Upon conclusion of the investigation by the board and the rendering of a written finding of fact, conclusion and recommendation to the proper city authorities, said records shall become public records. (as added by Ord. #00-2160, Nov. 2000)

2-613. Evidentiary fact-finding meetings, informal resolution discussions, dismissals. Upon completion of the initial or preliminary review of the complaint, the board may take one of the following actions:
(1) **Conduct a fact-finding meeting.** If, after the initial review, the board determines the complaint is valid, it may initiate further investigation of the charges contained therein, pursuant to the provisions set forth in LMC 2-612. Upon conclusion of such investigation, or in lieu thereof, the board shall call a fact-finding meeting to further explore and consider the evidence in support of the allegations contained in the complaint. The city council shall delegate to the board its power and authority to issue subpoenas for witnesses and documentary evidence to be brought before it. At the conclusion of such meeting, the board shall make a written finding of fact and a recommendation of appropriate action. A copy of the same shall be sent to the mayor, the chief of police, and the personnel director who shall consult together and approve the recommendation, or, initiate other appropriate action. The board's records shall become public records upon communication of the written finding of facts and recommendation to the city authorities.

(2) **Refer the matter to an informal resolution discussion.** If, after the initial review, the board finds that the complaint is valid, but involves only an alleged minor infraction leading to the incident complained of, the board may request the parties to mediate their dispute in an informal resolution discussion. The agreement reached by the parties at such resolution discussion shall be binding upon them, and no further action shall be taken by the parties relative to the incident complained of. The board shall reduce to writing the resolution so reached, and communicate the same to the mayor, the chief of police, and the personnel director who shall close the city's file on the incident. The board's record shall become a public record when the resolution solution is communicated in writing to the appropriate city authorities.

(3) **Dismiss the complaint.** If, after the initial review of the complaint, the board finds that such complaint is not valid because it lacks veracity, it may dismiss the complaint in writing, stating its reasons therefor, and send a copy of the same to the mayor, the chief of police, and the personnel director who shall confer together and either affirm the dismissal, or initiate further investigation of the matter, or take other appropriate action. The boards' records shall become a public record upon communication of the dismissal, in writing, to the city authorities. (as added by Ord. #00-2160, Nov. 2000)

2-614. **Notice to parties.** The board shall notify the complainant and police officer in a timely fashion of the status or disposition of the complaint in conformance with state law, to wit: Tennessee Code Annotated, Title 4, Chapter 5, §§ 4-5-307, 4-5-314. (as added by Ord. #00-2160, Nov. 2000)

2-615. **Police cooperation.** The police department and all other city employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in evidentiary meetings, and for access to data and records for the purpose of enabling the board to carry out its responsibilities under this part. The failure
by any official or employee of the police department or by any other city employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. (as added by Ord. #00-2160, Nov. 2000)

2-616. Confidentiality. So long as a complaint is under investigation, or a legal action is pending involving the circumstances surrounding the complaint filed with the board, the board's investigative files and records shall be confidential and not open to public review. The board members, staff, investigators, and other contractors of the board shall sign a contract agreeing to comply with all of the provisions of the applicable state and federal law and of the provisions of this part relating to public records, medical records, and personnel records. In return, the city will afford to such member, staff, or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment. (as added by Ord. #00-2160, Nov. 2000)

2-617. Rulemaking authority. The Lebanon Citizens Review and Advisory Board shall adopt rules governing its internal operation which are not in conflict with this part, are in furtherance of the provisions contained herein, and are approved by the city council. It shall review such rules from time to time and make changes as necessary and as approved by the council. (as added by Ord. #00-2160, Nov. 2000)

2-618. Facilitator's administrative duties. The facilitator (PSC) shall provide necessary administrative assistance for the proper operation of the board. Such assistance shall include the following services:
(1) Setup and scheduling of meeting rooms.
(2) Maintain files compiled by board.
(3) Issuance of all notices, including meetings and hearings.
(4) Provide reasonable access to secretarial personnel.
(5) Provide timely notification to board members of complaints filed.

The facilitator shall present evidence to the board at evidentiary fact finding hearings, but shall not act as a prosecutor or defender. The facilitator shall routinely provide the conference room located at the City of Lebanon Building located at 1017 Sparta Pike, Lebanon, for such hearings. The chairperson of the board may, with appropriate public notice, move any meeting to a location that is more conductive or appropriate to the matters at hand. (as added by Ord. #00-2160, Nov. 2000)
TITLE 3
MUNICIPAL COURT

CHAPTER
1. CITY COURT.
2. WORKHOUSE.

CHAPTER 1
CITY COURT

SECTION
3-101. City judge.
3-102. Disturbance of proceedings.
3-103. Issuance of arrest warrants.
3-104. Issuance of summonses.
3-105. Issuance of subpoenas.
3-106. Trial and disposition of cases.
3-107. Appearance bonds authorized
3-108. Imposition of fines, penalties, and costs.
3-109. Appeals.
3-110. Bond amounts, conditions, and forms.

3-101. City judge. The officer designated by the charter to handle judicial matters within the City of Lebanon shall preside over the city court, and shall be known as the city judge. (1968 code, § 1-501)

3-102. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1968 code, § 1-502)

3-103. Issuance of arrest warrants. The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1968 code, § 1-503)

1Charter references: Particularly Art. X and Art. II, §§ 1(30) and 1(31).
3State law reference
For authority to issue search warrants see Tennessee Code Annotated, title 40 chapter 6.
3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1968 code, § 1-504)

3-105. Issuance of subpoenaes. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1968 code, § 1-505)

3-106. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1968 code, § 1-506)

3-107. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1968 code, § 1-507)

3-108. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. In all cases determined by him, the city judge shall impose court costs in the following amounts when applicable:

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City court cost $80.00
Miscellaneous traffic sink $30.00
Officer fee $25.00
Gas fee $5.00
Data processing fee $2.00
City litigation $13.75
City fines $50.00 maximum
Administrative dismissal fee $12.50
Interpreter fee $5.00 minimum up to $50.00 an hour
Continuance fee $2.00
Moving violation $1.00
State litigation $1.00 for parking violations
State litigation $13.75 for all other violations
State fines $50.00 maximum
Traumatic brain injury fund $5.00
Motor vehicle registration $10.00

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in general sessions courts\(^1\) for similar work in state cases. (1968 code, § 1-508, as amended by Ord. #09-3563, July 2009, and Ord. #10-3672, July 2010)

**3-109. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, in accordance with the provisions of the charter, appeal to the next term of the circuit court.\(^2\) (1968 code, § 1-509)

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\(^1\)State law reference

State law reference
3-110. **Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court finds against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by the principal and one (1) private person who owns real property located within the county. No other type bond shall be acceptable. (1968 code, § 1-510)
CHAPTER 2

WORKHOUSE

SECTION

3-201. City and county jails to be used.
3-202. Inmates to be worked.
3-203. Compensation of inmates.

3-201. **City and county jails to be used.** The city and county jails are hereby designated to be city workhouses. (1968 code, § 1-601)

3-202. **Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed. (1968 code, § 1-602)

3-203. **Compensation of inmates.** Each workhouse inmate shall be allowed such credit toward payment of the fines and costs assessed against him as is provided for in the state statute.2

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1 Charter references: Particularly Art. II, § 1(30), and Art. X, §§ 2 and 4.

2 State law reference
   Tennessee Code Annotated, § 40-24-104.
TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. GENERAL PERSONNEL ADMINISTRATION.
2. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. EMPLOYEES INDEMNIFICATION.
5. ELIGIBILITY FOR SERVICE AND CONTINUATION OF HEALTH AND LIFE INSURANCE.
6. ELECTIVE OFFICES WITH THE CITY OF LEBANON.

CHAPTER 1
GENERAL PERSONNEL ADMINISTRATION

SECTION
4-101. Purpose.
4-102. Coverage.
4-103. Administration.
4-104. Personnel rules and regulations.
4-105. Right to contract for special services.
4-106. Discrimination.
4-107. Reports to be submitted to city council.

4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Lebanon that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (Ord. 90-783, § 1)

4-102. Coverage. All offices and positions of the municipal government are divided into the classified service and exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:
(1) All elected officials.
(2) Officials appointed by mayor or city council.

1Ord. 90-783 repealed in its entirety chapter 8, title 1 of the 1968 municipal code and replaced it with the contents of this chapter.
(3) Members of appointed boards and commissions.
(4) Consultants, advisers, and legal counsel rendering temporary professional service.
(5) Independent contractors.
(6) Persons employed by the municipality for not more than three (3) months during a fiscal year.
(7) Part-time employees paid by the hour or the day, and not considered regular.
(8) Volunteer personnel appointed without compensation.

All employment positions of the municipal government expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (Ord. 90-783, § 1)

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

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.

(2) Establish uniform policies and procedures for the recruitment, hiring, and discipline of all employees of the city subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees under the direction of the city council in the various departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the personnel policies adopted by the city council.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the mayor and any requested reports to the city council regarding administration of the personnel system.

(7) Recommend to the city council a position classification plan, and install and maintain such a plan upon approval by the city council.

(8) Prepare and recommend to the city council a pay plan for all city employees.

(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the city.

(10) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city council. (Ord. 90-783, § 1)
4-104. **Personnel rules and regulations.** The personnel director shall develop rules and regulations and personnel policies and publish an employee’s handbook, necessary for the effective administration of the personnel system. The rules, regulations and policy shall be presented to the city council for adoption. Amendments to the rules and regulations shall be made in this same manner.¹ (Ord. 90-783, § 1)

4-105. **Right to contract for special services.** The city council may direct the personnel director to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. 90-783, § 1)

4-106. **Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, religious belief or handicapping condition. (Ord. 90-783, § 1)

4-107. **Reports to be submitted to city council.** (1) **Report on changes in personnel.** The commissioner or chief of each department shall, on the first meeting of the city council of each month, submit a written report which shall contain any changes in the number of personnel in said department including the names of any persons who have been hired or terminated. The written report will include the number of regular hours and overtime worked by each employee in a department in the preceding month. It will also include the percent of overtime worked by each employee and department in the preceding month and year-to-date. Overtime shall be kept to a minimum and shall be allowed only in case of emergency or when authorized by the city council. The written report shall also reflect, by line item and total, what percentage of the department’s budget has been used through the preceding month and any amount by which the year-to-date differs from the projected budget.

(2) **Failure to submit reports or carry out city council policies or legislation.** Failure to submit the above reports and failure of a commissioner or chief of a department to carry out the lawful policies implemented and legislation enacted by the city council shall be considered grounds for removal from office under Article III, Section 14 of the Charter of the City of Lebanon, Tennessee. (Ord. 91-842)

CHAPTER 2
SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

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

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Lebanon to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1968 code, § 1-701)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1968 code, § 1-702)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by those laws or regulations. (1968 code, § 1-703)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1968 code, § 1-704)

4-205. **Records and reports.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1968 code, § 1-705)

4-206. **Exclusions.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any 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.

There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official whose compensation is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1968 code, § 1-706)
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program.
4-308 – 4-314. [Deleted.]

4-301. Title. This section shall provide authority for reestablishing and administering the Occupational Safety and Health Program Plan for the employees of the City of Lebanon. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-302. Purpose. This City of Lebanon in electing to update their established program plan will continue to maintain an effective occupational safety and health program for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:
   (a) Top Management Commitment and Employee Involvement;
   (b) Continually analyze the worksite to identify all hazards and potential hazards;
   (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
   (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are
considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-303. **Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Lebanon shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Lebanon whether part-time or full-time, seasonal or permanent. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-304. **Standards authorized.** The occupational safety and health standards adopted by the City of Lebanon are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3). (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-305. **Variances from standards authorized.** The City of Lebanon may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the City of Lebanon shall notify or serve notice to employees, their designated representatives, or interested parties and the City Council and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Lebanon shall be deemed sufficient notice to employees. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-306. **Administration.** For the purposes of this Ordinance, the Director of Personnel is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer the City of Lebanon’s program. The Director shall develop a plan of operation for the program and said plan shall become a part of this Ordinance when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee
Occupational Safety and Health Plan. (Ord. 73-386, § 1, as amended by ord. 76-431, § 2, and replaced by Ord. #03-2478, July 2003)

4-307. **Funding the program.** Sufficient funds for administering and staffing the program pursuant to this Ordinance shall be made available as authorized by the City of Lebanon. (Ord. 73-386, § 1, as replaced by Ord. #03-2478, July 2003)

4-308 – 4-314. **[Deleted.]** These sections were deleted by Ord. #03-2478, July 2003.
CHAPTER 4

EMPLOYEE INDEMNIFICATION

SECTION

4-401. Definition of "employee." The word "employee" as used herein shall mean and include any elected or appointed official, officer, employee or member of any board or commission of the City of Lebanon, whether said person works full-time or part-time. (Ord. 88-600)

4-402. Legal defense authorized. The City of Lebanon does hereby authorize the city attorney to furnish a legal defense to any employee sued for damages for an act of omission or commission arising out of the performance of his or her official duties, while said employee is engaged in the course of his or her employment for the City of Lebanon, provided the employee notifies the city attorney and the city council within a reasonable time after a lawsuit is served upon the employee. The employee must make a formal request for defense counsel and defense counsel shall be provided at the expense of the City of Lebanon, so long as there is no insurance coverage protecting the employee from the claim. (Ord. 88-600)

4-403. Conflict of interest. In those civil actions brought against an employee wherein the City of Lebanon or one (1) or more of its employees are defendants; and the city attorney determines that a conflict of interest exists between the city and its employee, or among the various employees involved in the cause of action, to the extent that representation of the employee by the city attorney would violate Cannon 5 of the Code of Professional Responsibility, as adopted by Rule 8 of the Tennessee Supreme Court Rule; and if the employee would otherwise be entitled to a defense as provided in this chapter, the employee shall be entitled to employ legal counsel of his or her choice, subject to the approval of the city council. (Ord. 88-600)

4-404. Payment of judgments, costs, etc. Where there is a judgment in favor of the employee; or where damages are awarded in a final judgment or settlement against an employee, and it is determined that the incident is based upon an act or acts of an employee working inside of his or her scope of
employment, acting in good faith, and where said employee is not in violation of the policies of the City of Lebanon; the city council shall have the authority, upon proper motion before the city council, to pay all reasonable compensation for legal counsel, court costs and other expenses incident to the litigation, and to pay any damages which may have been awarded against the employee, subject to the limitations as further defined herein. (Ord. 88-600)

4-405. **Scope of indemnification.** The City of Lebanon is authorized to indemnify an employee from a judgment against said employee provided:

(1) The judgment arises out of an act or omission arising out to the performance of the official duties of said employee, and said judgment arose out of the course and scope of the employment of the employee so long as said official duties of the employee were not in violation of the policies of the City of Lebanon; and

(2) So long as the city attorney or another attorney selected as provided herein has furnished a legal defense concerning said claim and the employee has cooperated in said defense. (Ord. 88-600)

4-406. **Limits of indemnification.** An employee of the City of Lebanon shall be indemnified for a judgment or claim against the employee under the provisions described herein, but in no event shall such indemnity exceed the amounts described in **Tennessee Code Annotated**, § 29-20-403(b)(B), which provide for limitations as follows: the indemnity shall not exceed the sum of One Hundred Thirty Thousand and 00/100 ($130,000.00) Dollars for bodily injury or death of any one (1) persons and any one (1) accident, occurrence or act, and shall not exceed the sum of Three Hundred Fifty Thousand ($350,000.00) Dollars for bodily injury or death of all persons in any one (1) accident, occurrence or act, and in the cases arising out of the ownership, maintenance and use of automobiles, said indemnification sum shall not exceed Fifty Thousand ($50,000.00) Dollars for injury or destruction of property of others in any one (1) accident, occurrence or act. (Ord. 88-600)

4-407. **Authority of indemnification.** The indemnification power stated herein is pursuant to **Tennessee Code Annotated**, § 29-20-310(d), however, said authority under this chapter shall apply only to those cases where said judgment or claim is not covered by an insurance policy. (Ord. 88-600)
CHAPTER 5

ELIGIBILITY FOR SERVICE RETIREMENT AND CONTINUATION OF HEALTH AND LIFE INSURANCE

SECTION

4-501. Eligibility for service and continuation of health and life insurance benefits.

4-502. Additional eligibility requirements.

4-501. Eligibility for service and continuation of health and life insurance benefits. An employee or elected official of the City of Lebanon becomes eligible for service retirement and continuation of health and life insurance benefits in one of the following four (4) ways:

(1) Upon completion of thirty (30) years of service under the rules of the Tennessee Consolidated Retirement System, the last ten (10) consecutive years being with the City of Lebanon; or

(2) Attainment of the age of sixty (60) and completion of ten (10) years of service under the rules of the Tennessee Consolidated Retirement System, the last ten (10) consecutive years being with the City of Lebanon; or

(3) Being an elected city official who has served two (2) or more consecutive terms of office with the City of Lebanon upon attaining sixty-two (62) years of age will be eligible for and provided coverage upon making application for coverage. (Ord. #92-911, Jan. 1992, as replaced by Ord. #02-2372, June 2002)

4-502. Additional eligibility requirements. Subject to the provisions of § 4-501, the eligible employee must be currently working and currently insured with the city’s group health and life insurance plans on the date of retirement. Section 4-502 does not apply to elected city officials. (as added by Ord. #02-2372, June 2002)
CHAPTER 6

ELECTIVE OFFICES WITH THE
CITY OF LEBANON

SECTION
4-601. City employees may qualify to run and hold an elective office of the City of Lebanon.

4-601. City employees may qualify to run and hold an elective office of the City of Lebanon. (8) Lebanon City employees shall have equal rights as are afforded to all citizens, regardless of where they are employed, by the First Amendment of the United States Constitution to qualify to run for or hold an elective office.

(9) Individuals holding elective office for the City of Lebanon may not concurrently be employed by the city.

(10) Upon notification by the election commission of a certificate of election of a municipal employees election to a municipal office, the municipal position as an employee shall be automatically terminated. (as added by Ord. #01-2262, Jan. 2002)
TITLE 5  
MUNICIPAL FINANCE AND TAXATION

CHAPTER
1. REAL PROPERTY TAXES.  
2. PRIVILEGE TAXES.  
3. SALES TAX.  
4. WHOLESALE BEER TAX.  
5. LITIGATION TAX.  

CHAPTER 1  
REAL PROPERTY TAXES  

SECTION  
5-101. When due and payable.  
5-102. When delinquent--penalty and interest.  
5-103. Chapter 50, Public Acts of 1939, not applicable.  

5-101. When due and payable. Taxes levied by the city against real property shall become due and payable annually on the first day of October of the year for which levied. (1968 code, § 6-101)  

5-102. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to interest at the rate of one percent (1%) per month. (1968 code, § 6-102, modified)  

5-103. Chapter 50, Public Acts of 1939, not applicable. After September 1, 1939, Chapter 50 of the public acts of 1939 shall not be applicable to delinquent municipal taxes owing and due Lebanon, Tennessee. (1968 code, § 6-103)  

1Charter references: Articles II, VII, XI, and XII.
CHAPTER 2

PRIVILEGE TAXES

SECTION
5-201. Tax levied.
5-202. License required.
5-203. Enforcement.
5-204. Penalty and/or interest for delinquency.

5-201. Tax levied. 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 City of Lebanon privilege tax in the maximum amount allowed by state laws.

The taxes provided for in the state's "Business Tax Act" (title 67, chapter 4, part 7, Tennessee Code Annotated) 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 that act.

The provisions of the General Revenue Act of the State of Tennessee which are applicable to municipal corporations are incorporated herein by reference to the same extent and for the same purposes as if those sections of the General Revenue Act of the State of Tennessee were copied herein verbatim. (1968 code, § 6-301, modified)

5-202. License required. No vocation, occupation, or business subject to the privilege tax hereinbefore levied shall be exercised within the corporate limits of the City of Lebanon until the owner or a representative thereof has first procured a privilege license and executed a bond where a bond is required by the laws of the State of Tennessee. Any person, firm, or corporation guilty of exercising any such vocation, occupation, or business declared to be a privilege without having procured the license, shall be deemed guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code. (1968 code, § 6-302)

5-203. Enforcement. The commissioner of finance and revenue of the City of Lebanon shall enforce the collection of all privilege taxes. For the purpose of enforcing them, he shall have and be authorized to exercise all of the powers by law vested in, and shall follow all of the procedures or methods prescribed for, county court clerks in enforcing those collections and shall be

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1Municipal code reference
Privilege tax on liquor-by-the drink: § 8-115.
entitled to assess and receive the same fee provided for county court clerks. (1968 code, § 6-303)

5-204. **Penalty and/or interest for delinquency.** It shall be the duty of each taxpayer to pay the privilege tax levied hereunder promptly when it becomes due. In case any such tax is not promptly paid within the time required by law for similar county and state taxes, there shall be imposed and collected by the commissioner of finance and revenue of the City of Lebanon the same penalty and/or interest which is provided for and imposed in connection with the collection of such taxes by county court clerks in reference to taxes imposed for county and state purposes. (1968 code, § 6-304)
CHAPTER 3

SALES TAX

SECTION
5-301. Tax levied.
5-302. Effective date.
5-303. Collection.
5-304. Suits for illegally assessed or collected taxes.
5-305. Certified copy of ordinance to be sent to Tennessee Department of Revenue.

5-301. Tax levied. As authorized by Tennessee Code Annotated, §§ 67-6-701-67-6-712, as amended, there is levied a tax in the same manner and on the same privileges subject to the Retailers' Sales Tax Act under Chapter 6, parts 1-6, Title 67, T.C.A. as the same may be amended, which are exercised in Lebanon, Tennessee. The tax is levied on all such privileges at a rate of three twenty seconds of the rate levied in the Retailers' Sales Tax Act, Chapter 6, Parts 1-6, Title 67, T.C.A., as amended, except as limited or modified by statute. (Ord. 89-737, § 1)

5-302. Election date. If a majority of those voting in the election required by T.C.A. 67-6-706 vote for the ordinance, collection of the tax levied by this chapter shall begin on the first day of the month occurring 30 or more days after the county election commission makes its official canvass of the election returns. (Ord 89-737, § 2)

5-303. Collection. It having been determined by the department of revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, that determination being evidenced by Local Option Sales and Use Tax Rules and Regulations heretofore promulgated by the department of revenue, the department shall collect the tax concurrently with the collection of the state tax in the same manner as the state tax is collected in accordance with rules and regulations promulgated by the department. The mayor and commissioner of finance and revenue are hereby authorized to contract with the department of revenue for the collection of the tax by the department, and to provide in the contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax. (Ord. 89-737, § 3)

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1This chapter represents Ord. 89-737, which was approved in a referendum of the voters of the city on September 5, 1989. Ord. 90-798 also levied a sales tax; however it was rejected by the voters in a referendum.
5-304. **Suits for illegally assessed or collected taxes.** In the event the tax is collected by the department of revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the state commissioner of revenue and the mayor of the City of Lebanon, Tennessee. (Ord. 89-737, § 4)

5-305. **Certified copy of ordinance to be sent to Tennessee Department of Revenue.** A certified copy of this ordinance shall be transmitted to the department of revenue by the city recorder forthwith and shall be published one time in a newspaper of general circulation in Lebanon, Wilson County, Tennessee prior to the election called for in section 5-302 hereof.¹ (Ord. 89-737, § 5)

¹An election was held, and this ordinance approved, September 5, 1989.
CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The commissioner of finance and revenue is hereby directed to take appropriate action to assure payment to the City of Lebanon of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6. (1968 code, § 6-401)
CHAPTER 5

LITIGATION TAX

SECTION
5-502. Purpose.
5-503. Local option.

5-501. **Collection of litigation tax.** The mayor and the commissioner of finance and revenue are hereby authorized to start collecting, pursuant to the Tennessee Municipal Court Reform Act of 2004, a local option litigation tax on all matters litigated and/or adjudicated guilty in the Lebanon Municipal Court that shall match the mandated state litigation tax of thirteen dollars and seventy-five cents ($13.75). (as added by Ord. #08-3321, April 2008)

5-502. **Purpose.** Pursuant to the Tennessee Municipal Court Reform Act of 2004, the purpose of such local option litigation tax shall be for revenue enhancement and shall be retained in the City of Lebanon general fund. (as added by Ord. #08-3321, April 2008)

5-503. **Local option.** This local option litigation tax shall be in addition to any other charges, fees, or taxes currently in place as mandated by the Tennessee Municipal Court Reform Act of 2004, and/or any ordinance enacted by the Lebanon City Council. (as added by Ord. #08-3321, April 2008)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. Police officers subject to chief’s orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1968 code, § 1-401)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1968 code, § 1-402)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1968 code, § 1-403)

1Charter references: Particularly Art. II, §§ 1(30) and 1(36).
For provisions with respect to appointment, etc., of personnel, see Art. III, § 2; Art. V, § 5; and Art. VI.
Municipal code reference: position of assistant chief of police, § 1-601.

Charter references: Particularly Art. I, § 3; Art. II, § 1(30); and Art. X, § 1.
6-104. **When police officers to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

1. Whenever the officer is in possession of a warrant for the arrest of the person.
2. Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
3. Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1968 code, § 1-404)

6-105. **Police officers may require assistance in making arrests.** It shall be unlawful for any person willfully to refuse to aid a police officer in making a lawful arrest when such person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1968 code, § 1-405, modified)

6-106. **Disposition of persons arrested.** Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness, he shall be brought before the city court for immediate trial or allowed to post bond.  

When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1968 code, § 1-406)

6-107. **Police department records.** The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

1. All known or reported offenses and/or crimes committed within the corporate limits.
2. All arrests made by police officers.
3. All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1968 code, § 1-407)

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1 Municipal code reference
   Traffic citations, etc.: title 15, chapter 8.

2 Municipal code reference: Section 1-507.
TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER
1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.

CHAPTER 1

MISCELLANEOUS

SECTION
7-101. Fire limits described.
7-102. Paved drives and parking lots required.
7-103. Fire hydrants required.
7-104. Automatic sprinkler systems required.
7-105. Standpipe systems required.
7-106. Access to premises required.
7-107. Open burning restricted.
7-108. Fireworks.

7-101. **Fire limits described.** The corporate fire limits shall be as follows:

Starting at the centerline intersection of South Greenwood Street and West Main Street, this point being the point of beginning; thence running on the centerline of West Main Street in a westerly direction a distance of 60' to a point, this point being the centerline intersection of North Greenwood Street and West Main Street; thence turning and running on the centerline of North Greenwood Street in a northerly direction a distance of 1900' to a point, this point being the centerline intersection of North Greenwood Street and West High Street; thence turning and running on the centerline of West and East High Street in an easterly direction a distance of 2500' to a point, this point

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1 Charter reference
Provisions authorizing a fire department, fire prevention regulations: Particularly Art. II, § 1 (38) and (43).

2 Municipal code references
Building height regulations to accommodate fire trucks: title 14.
Fire chief: § 1-606.
Responsibilities involving fire code inspection: § 1-605.
being the centerline intersection of East High Street and Cedar Street; thence turning and running on the centerline of Cedar Street in a southerly direction a distance of 950' to a point, this point being the centerline intersection of Cedar Street and Hallum Street; thence turning and running on the centerline of Hallum Street in an easterly direction a distance of 580' to a point, this point being the centerline intersection of Hallum Street and Ward Street; thence turning and running on the centerline of Ward Street in a southerly direction a distance of 800' to a point, this point being the centerline intersection of Ward Street, East Main Street and Park Avenue; thence turning and running in a south westerly direction a distance of 700' to a point, this point being on the centerline of Cherry Street, this point also being 264' south of the centerline intersection of Cherry Street and East Gay Street; thence turning and running in a westerly direction a distance of 1050' to a point, this point being on the centerline of South College Street, this point also being 264' south of the centerline intersection of East Gay Street and South College Street; thence turning and running in a southerly direction on the centerline of South College Street a distance of 2250' to a point, this point being the centerline intersection of South College Street and Tennessee Central Railroad; thence turning and running on the centerline of Tennessee Central Railroad in a westerly direction a distance of 700' to a point, this point being the centerline intersection of Tennessee Central Railroad and Sinking Creek; thence turning and running in a westerly direction on the centerline of Newby Street extended westerly a distance of 400' to a point, this point being 192' west of the centerline of South Maple Street; thence turning and running in a northerly direction a distance of 1500' to a point, this point being 192' west of the centerline intersection of South Maple Street and West Gay Street; thence turning and running on the centerline of West Gay Street in a westerly direction a distance of 845' to a point, this point being the centerline intersection of West Gay Street and South Greenwood Street; thence turning and running in a northerly direction on the centerline of South Greenwood Street a distance of 415' to a point, this point being the point to beginning, containing 200.69 acres more or less. (1968 code, § 7-101, as replaced by Ord. #97-1575, Feb. 1997)

7-102. **Paved drives and parking lots required.** All newly constructed buildings begun after January 1, 1989 shall comply with the provisions in this section so as to allow maximum usage of the fire equipment owned and operated by the City of Lebanon.

(1) All new construction shall contain a paved asphalt or concrete drive of not less than twenty (20) feet in width, or a paved parking lot on at least two (2) sides of such buildings, wherein the building is constructed for purposes of business, industrial or multi-family residential use.
(2) The required paved drives or parking areas stated under this section shall be designed to permit ready access of fire apparatus or equipment and the drive or paved areas shall be no further than twenty (20) feet from the wall of the building subject to these provisions; however, the center line of the fire access roadway shall be no closer than thirty (30) feet from the vertical wall. Whenever a structure is adjacent to the public roadway and the vertical wall is within 35 feet of the edge of driving lane pavement, the roadway can be considered sufficient access for one side of the fire access road.

(3) The intent and purpose of this section is to provide access for fire equipment and ladder trucks to promote the protection of the property and persons occupying same, and the required paved drives and/or parking areas stated herein shall be placed in such a manner as to allow ready access to the roof or upper stories of the building. Furthermore, where it is deemed appropriate, the fire chief of the City of Lebanon may require that those areas be designated as "No Parking Areas" to permit immediate access. (Ord. 88-643, §§ 1-5, as replaced by Ord. #97-1575, Feb. 1997)

7-103. Fire hydrants required. (1) Any persons or parties installing water mains or fire lines on private property shall be required to install fire hydrants, at the expense of the owner. Fire hydrants shall be so spaced that adequate fire protection to all buildings can be provided; and shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities. Fire hydrants shall be spaced no further apart than five hundred (500) feet and must meet all requirements of § 603.1.3 of the Standard Fire Prevention Code (current edition).

(2) Fire hydrants authorized and required by this section shall be installed for the protection of property and lives.

(3) Fire hydrants required under this section shall be installed pursuant to the standards of State of Tennessee, Health Department and the department of public works of the City of Lebanon.

(4) Persons owning private property who refuse to install fire hydrants deemed to be necessary according to this section of Lebanon Municipal Code shall be denied a certificate of occupancy for any structure which would be served by such hydrant(s). (Ord. 88-644, modified, as replaced by Ord. #97-1575, Feb. 1997)

7-104. Automatic sprinkler systems required. The following requirements and regulations shall govern automatic sprinkler systems within the city:

(1) That automatic sprinkler systems shall be required for new or renovated buildings beginning construction inside the city limits of Lebanon, Tennessee after January 1, 1989 per the following:

(a) An approved automatic sprinkler system shall be provided for buildings as required by the ICC International Building Code, current

(b) Fire department connections for automatic sprinkler systems shall be approximately fifty feet (50') from a fire hydrant. The exact location will be coordinated with building and fire code officials.

(2) Automatic sprinkler systems required under this chapter shall be installed, tested, inspected and maintained in accordance with the ICC International Fire Code, current edition, and the National Fire Protection Association Standards 13 and 25 unless noted otherwise.

(3) Automatic sprinkler systems required in compliance with NFPA 13 or 13R shall be provided with approved waterflow alarm systems which shall transmit an alarm to the fire department or a constantly attended central station except upon waiver of the fire inspector. Connecting the system to the fire department or an approved, constantly attended central station is optional for systems in compliance with NFPA 13D. Waterflow alarm systems required under this section shall be installed and maintained in accordance with the ICC International Fire Code, current edition, and the National Fire Protection Association Standards No. 13, 25 and 72A and any other applicable National Fire Protection Association Standards.

(4) Prior to the construction or installation of any sprinkler system required under this section, two (2) sets of plans for all required sprinkler systems and fire alarm systems shall be submitted to the building officials' certified fire inspector for approval. No sprinkler system or fire alarm system shall be installed without the approval of the above official.

(5) Inspection of sprinkler systems installed in the City of Lebanon shall be accomplished by the building official's certified fire inspector, and any sprinkler or fire alarm system which does not meet the standards and codes defined herein or other applicable fire codes, shall be denoted by the above official, and the owner shall correct said violation within a reasonable time.

(6) Fees as established by the municipal code or ordinances of the Lebanon city council may be charged for the review of the sprinkler system plans.

(7) Where not otherwise required by this section all fire protection systems installed in the City of Lebanon shall be in compliance with existing fire codes and the state fire codes.

(8) Where the requirements stated in this section conflict with existing building codes or existing fire codes, the more stringent code shall apply.

(9) The fire chief or his duly authorized representative shall be available for consultation with the building official's certified fire inspector.

(10) Inspection of the maintenance and testing of existing sprinkler systems in the City of Lebanon shall be in accordance with the ICC International Fire Code, current edition and future updates, and the National Fire Protection Association Standard 25 and future updates of either. These
inspections shall be accomplished by the fire chief or his duly authorized certified fire inspector.

(11) (a) Notwithstanding any other provisions to the contrary, any site plans brought before the Lebanon Planning Commission depicting a planned structure, whether residential, commercial, or industrial, or any other structure constructed within the City of Lebanon's planning jurisdiction, comprised of three (3) or more stories, or that may in the future be comprised of three (3) or more stories, shall include an automatic fire sprinkler system, compliant with NFPA 13D or 13R, on or in each and every story of the structure.

(b) For purposes of this section, a "story" shall be defined as any level of a structure comprised of usable space, whether it is used or not, including, but not limited to, garages or basements, attics with permanently affixed staircases, or any other space above or below the primary floors of a structure for which there is access. (Ord. 88-646, §§ 1-10, as amended by Ord. #90-833, § 1, and Ord. #95-1384, Nov. 1995, replaced by Ord. #97-1575, Feb. 1997, Ord. #97-1630, June 1997, Ord. #06-2921, July 2006, and amended by Ord. #07-3229, Nov. 2007)

7-105. Standpipe systems required. The following requirements and regulations shall govern standpipe systems within the city:

(1) That standpipe systems shall be required for new or renovated buildings beginning construction inside the city limits of Lebanon, Tennessee after May 1, 2006 per the following:

(a) An approved standpipe system shall be provided for buildings as required by the ICC International Building Code and future updates, the International Fire Code and future updates and the NFPA 101, Life Safety Code and future updates or any additional or new codes that may be adopted by the City of Lebanon, Tennessee.

(b) Standpipe system design, installation and testing shall comply with NFPA 14.

(c) An approved Class III standpipe system shall be provided in all buildings three (3) floors or higher.

(d) Fire department connections for standpipe systems shall be approximately fifty feet (50') from a fire hydrant. The exact location will be coordinated with the building and fire code officials.

(e) The complete layout of all standpipe systems shall be submitted to the building official for approval before installation.

(f) Standpipe systems shall not be required for one and two family dwellings. (as added by Ord. #06-2921, July 2006, and replaced by Ord. #09-3590, Oct. 2009)
7-106. Access to premises required. To insure the fire department's access to premises within the city, fire lanes and other means of access to such premises are required as follows:

(1) All premises which the Lebanon fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are readily accessible to fire equipment and apparatus.

(2) Fire lanes shall be provided for all buildings which are set back more than one hundred fifty (150) feet from the public road or exceed thirty (30) feet in height and are set back over fifty (50) feet from a public road.

(3) Fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least (10) feet from the building, and any dead-end road more than 300 feet long shall be provided with a turn around at the closed end, at least ninety (90) feet in diameter. Fire lanes shall be designated on all site plan submittals and approved by the building official's certified fire inspector after consultation with the fire chief or his duly authorized agent. Use and maintenance of fire lanes on private property located in the City of Lebanon shall be accomplished as specified by the Lebanon fire chief or his duly authorized representative, and said designation shall be in compliance with the provisions and requirements of this section.

(4) All fire lanes designated as required by this chapter shall be marked by contrasting color and markings on the road or parking surface, and shall be designated as "Fire Lanes" and appropriate signs, permanently mounted, shall be marked and maintained by the owners of those private buildings, with each and every fire lane having at least one sign which states:

"NO PARKING - FIRE LANE"

(5) It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct vehicles' use of any fire lane or lanes.

(6) Any person found guilty of parking a motor vehicle on, or otherwise obstructing, a fire lane shall be fined an amount in accordance with the general penalty provision of this code of ordinances, plus costs.

(7) Upon designation of an area as a fire lane, the Lebanon fire chief or his duly authorized representative, shall notify the property owner or occupant of the need for a designated fire lane, and the property owner or occupant shall comply with the written designation and shall mark the fire lane and install the necessary signs within thirty (30) days from the receipt of written notification, or be declared in violation of this section.

(8) Where the requirements in this section conflict with the National Fire Protection Code or NFPA 101 Life Safety Code, the more stringent code shall apply. (Ord. 88-648, §§ 1-8, as replaced by Ord. #97-1575, Feb. 1997, and renumbered by Ord. #06-2921, July 2006)
7-107. Open burning restricted. Open burning within the city is restricted as follows:

(1) No person shall cause, suffer, allow or permit open burning of refuse, garbage, trade waste, trees, limbs, leaves, brush, grass, flammables, combustibles, or materials from construction or salvage operations except upon written permit issued by the fire chief of Lebanon, Tennessee or his duly authorized representative.

(2) Open burning as listed below may be conducted without permit provided that no public nuisance is or will be created by the open burning:

(a) Fires used for the cooking of food or for ceremonial or recreational purposes including barbecues and outdoor fireplaces;

(b) Fires set for the training and instruction of firemen or for research in fire protection or prevention.

(3) The fire chief for the City of Lebanon or his duly authorized representative shall issue permits for open burning if the following conditions are met;

(a) A written request is filed with the fire chief giving the reason why no method except open burning can be employed to dispose of the material involved, the amount and kind of material to be burned, the exact location where the burning will take place, and the dates when the open burning will be accomplished.

(b) Approval for the open burning is received from the fire chief or fire inspector.

(c) The open burning shall be accomplished between the hours of nine (9:00) o’clock A.M. and four (4:00) o’clock P.M. or as otherwise authorized by the fire chief or fire inspector.

(4) The grant of permission and/or the issuance of a permit as described above will not relieve the person responsible for such burning from the consequences of any damages, injuries, or claims resulting from such open burning. Likewise, the issuance of a permit to allow open burning shall not cause the City of Lebanon or its duly authorized representatives to become responsible for the consequences arising out of the permitted burning.

(5) Nothing in this section shall be construed to conflict or be contrary to the Tennessee Air Quality Act (Tennessee Code Annotated, § 68-22-108, et seq.), and the person or organization seeking a permit shall be solely responsible for compliance with the Act in the event a permit is issued. (Ord. 88-647, §§ 1-5, as replaced by Ord. #97-1575, Feb. 1997, and renumbered by Ord. #06-2921, July 2006)

7-108. Fireworks. (1) Prohibitions, unlawful acts. (a) It shall be unlawful for any person, firm, organization, partnership, unincorporated association, limited partnership or corporation to sell, offer to sell, display for sale, or possess with intent to sell, articles of fireworks within the
corporate limits of the City of Lebanon, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individuals.

(b) It shall be unlawful for any person, firm, organization, partnership, unincorporated association, limited partnership or corporation to discharge or explode any fireworks, this shall not include non-aerial, non-exploding types of fireworks such as sparklers and/or smoke bombs, within the corporate limits of the City of Lebanon, Tennessee; provided that this prohibition shall not apply to duly authorized public displays conducted by the city in celebration of holidays and other special events as permitted by the city safety coordinator.

(2) Nuisance, injunction. Any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided herein, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(3) Penalty. Any person, firm, or corporation violating any provision of this section shall be subject to a civil penalty in an amount not to exceed five hundred ($500) dollars for each offense. Each day that a violation occurs or continues shall constitute a separate offense. (1968 code, § 7-208, as replaced by Ord. #97-1575, Feb. 1997; Ord. #00-2087, May 2000; and Ord. #00-2108, Aug. 2000, and renumbered by Ord. #06-2921, July 2006)
CHAPTER 2

FIRE CODE

SECTION
7-201. Fire code adopted.
7-202. Code to be available for information.
7-203. Enforcement responsibilities.
7-204. Applications to new or remodeled buildings.
7-205. Applications to existing buildings.
7-206. Failure to comply.
7-207. Notice and correcting of violations.
7-208. Stop work orders.
7-209. Failure to heed notice.
7-210. Continuing violations.
7-211. Fine not actual remedy for violations.
7-212. Variances.
7-213. Storage of explosives, flammable liquids, etc.
7-214. Penalty.

7-201. Fire code adopted. The City of Lebanon does hereby adopt as its fire code all of the terms and conditions of the following:


7-202. Code to be available for information. The Building Official for the City of Lebanon shall maintain volumes of the above stated codes, for inspection by the public, at the main fire station, Gay Street, Lebanon, Tennessee. (1968 code, § 7-101, as replaced by Ord. 88-649, § 2, and Ord. #97-1575, Feb. 1997)

\(^1\)Charter reference
Authority to enact a fire code: Art. II, § 1 (38) and (43).

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

\(^2\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
7-203. **Enforcement responsibilities.** The responsibilities involving fire code inspection and compliance are delegated as follows (based on Ord. #94-1116 §§ 5 & 6):

1. The building inspector or his duly authorized representative shall be responsible for plans review, approval and inspection of new construction and/or remodeling.
2. The director of codes enforcement shall be responsible for inspection of existing buildings, structures and properties.
   a. All fire code violations shall be certified in writing by the fire chief or his duly authorized representative to the director of codes enforcement.
3. The fire chief or his duly authorized agent shall be available for consultation with the building inspectors and codes enforcement inspectors concerning any issues related to fire protection in the City of Lebanon. (Ord. #88-649, § 3, as replaced by Ord. #97-1575, Feb. 1997)

7-204. **Applications to new or remodeled buildings.** Any new or remodeled building construction commenced after January 1, 1989 shall be required to comply with Title 7 of the Lebanon Municipal Code. (Ord. 88-649, § 4, as replaced by Ord. #97-1575, Feb. 1997)

7-205. **Applications to existing buildings.** Existing buildings at the passage of this section which fail to comply with the Lebanon fire codes stated herein shall not be subject to a civil or criminal penalty for the subject violation, unless the director of codes enforcement can show an extreme danger to the health and safety of the public by allowing the existing building to continue with non-compliance of this code. (Ord. 88-649, § 5, as replaced by Ord. #97-1575, Feb. 1997)

7-206. **Failure to comply.** The construction of new buildings or substantial remodeling of existing buildings without compliance to the fire codes stated herein shall be declared a violation of this chapter and shall cause the violator to be subject to the civil and criminal penalties stated herein. (Ord. 88-649, § 6, as replaced by Ord. #97-1575, Feb. 1997)

7-207. **Notice and correcting of violations.** Upon finding a violation of the subject codes, the fire chief or his duly authorized representative shall give written notice to the director of codes enforcement who shall require correction of the fire code violation within thirty (30) days from the written notice, or upon a sooner period if in the judgment of the fire chief an extreme public safety hazard exists. The director of codes enforcement may grant an extension for compliance beyond the thirty (30) days notice; however, this extension shall not extend for a period greater than one hundred twenty (120) days from the date of the original citation, except by court order of the City
7-11

Court of Lebanon, Tennessee, upon good cause shown. (Ord. 88-649, § 7, as replaced by Ord. #97-1575, Feb. 1997)

7-208. **Stop work orders.** A "Stop Work Order" may be issued by a building inspector of the City of Lebanon against any premises located in the City of Lebanon wherein new construction or remodeling work is underway which does not comply with the fire codes described herein. Resolution of the subject order shall occur at a hearing before the city judge of Lebanon, Tennessee, within a reasonable time after the stop work order has been issued for the alleged violation of the subject fire codes, but no later than seven (7) days. (Ord. 88-649, § 8, as replaced by Ord. #97-1575, Feb. 1997)

7-209. **Failure to heed notice.** After receiving notice and warning from the director of codes enforcement, and upon failure to comply with the fire codes cited in the warning or notice within the time limitation stated by the director of codes enforcement, the person continuing to violate the codes shall be issued a citation for appearance and show cause before the City Court of Lebanon, Tennessee to determine the reason for the continued violation of the codes. (Ord. 88-649, § 9, as replaced by Ord. #97-1575, Feb. 1997)

7-210. **Continuing violations.** Any person guilty of a continuing violation of the fire codes for the City of Lebanon as designated herein shall be subject to punishment according to the general penalty provision of this municipal code of ordinances. (Ord. 88-649, § 10, modified, as replaced by Ord. #97-1575, Feb. 1997)

7-211. **Fine not actual remedy for violations.** In the case of a fire code violation which is deemed to be an extreme hazard to the public safety and welfare, the Director of Codes Enforcement of Lebanon, Tennessee or his duly authorized representative, upon filing a proper petition before the Chancery Court of Wilson County, Tennessee, and the injunctive relief may be sought notwithstanding other action which may be undertaken concerning any violations, including, but not limited, to the above stated notice and warning procedure. (Ord. 88-649, § 11, as replaced by Ord. #97-1575, Feb. 1997)

7-212. **Variances.** Variances from the Lebanon Fire Code may be requested under the following procedure:

(1) The board of zoning appeals shall, under the authority of this code, act as a special board of appeals concerning the Lebanon Fire Code. Said board shall receive and hear variances at its regular hearing time and place as an additional duty by the regular zoning appeals procedure. The board shall hear and decide appeals from the denial of a building permit where the basis of said denial involves a fire code question.
(2) The board of zoning appeals, acting as a special board, shall also hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by an administrative official in the enforcement or administration of this title.

(3) The board of zoning appeals, acting as a special board, shall hear and decide upon a variance based upon the following standards:
   (a) Good and sufficient cause exists for the granting of the variance.
   (b) Failure to grant the variance would result in exceptional hardship to the applicant.
   (c) The issuance of the variance would not result in increased or additional threats to public safety or extraordinary public expense.
   (d) The variance allowed is the minimum necessary to afford relief.
   (e) The variance would not have the effect of nullifying the intent and purpose of this title.
   (f) All applications for variances shall be heard by the board after reference to such committees and by administrative officials as may be established for purposes of investigation and recommendation.
   (g) Prior to the granting of a variance, the board must find that justification exists in accordance with the terms of this title. These findings together with grant of a variance, shall be reduced to writing and made a part of municipal records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance application.
   (h) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
   (i) Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
   (j) No variance except as herein specifically permitted may be granted from the provisions of the title. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(k) Application and fee. Each written application for a variance shall be accompanied by a fee of $50.00. Such an application shall reflect the type of structure(s) for which a variance is sought, the size of such structures, the approximate location upon the parcel and the intended use thereof. (1968 code, § 7-206, as replaced by Ord. #97-1575, Feb. 1997)

7-213. **Storage of explosives, flammable liquids, etc.** (1) The fire district referred to in NFPA 495 in the National Fire Prevention Code, in which
storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(2) The fire district referred to in NFPA 30 of the National Fire Prevention Code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(3) The fire district referred to in NFPA 30 of the National Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(4) The fire district referred to in NFPA 58 of the National Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.

(1968 code, § 7-204, modified, as replaced by Ord. #97-1575, Feb. 1997)

7-214. Penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby 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 city council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for this municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1968 code, § 7-207, as replaced by Ord. #97-1575, Feb. 1997)
CHAPTER 3

FIRE DEPARTMENT

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

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the mayor and such number of physically-fit subordinate officers and firefighters as the council shall authorize and the chief shall appoint. (1968 code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:
(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1968 code, § 7-302)

1Charter references
   Fire chief, appointment of personnel, etc.: Particularly Art. III, §§ 2 and 14; Art. V, § 5; and Art. VI.
   See also Art. II, § 1, subsecs. (38) and (43).
Municipal code reference
   Special privileges with respect to traffic: title 9, chapter 1.
   Fire chief: § 1-606.
Ordinance #03-2463, May 2003, authorizes a mutual aid agreement between the City of Lebanon and the City of Gallatin Fire Departments.


3Charter references
   Employee welfare plan: Art. II, § 3.
   Pensions: Art. XII, § 11.
   Salaries: Art. VI, § 1.
7-303. **Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as are necessary for the orderly and efficient operation of the fire department. (1968 code, § 7-303)

7-304. **Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1968 code, § 7-304)

7-305. **Chief responsible for training.** The chief of the fire department shall be fully responsible for the training of the fire fighters, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1968 code, § 7-305)

7-306. **Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-17-108 the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, ch. 17 and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1968 code, § 7-307)
TITLE 8

ALCOHOLIC BEVERAGES\(^1\)

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS\(^2\)

SECTION
8-101. Scope of chapter.
8-102. State laws to be complied with.
8-103. Restrictions on operators of retail stores.
8-104. Certificate of good moral character-forms and fee.
8-107. Certificate of good moral character-approval, etc.
8-109. Privilege license required.
8-110. Regulations of sales.
8-111. Retail store restrictions and inspection.
8-112. Inspection fees.
8-113. Public drinking and display prohibited.
8-114. Penalties.

8-101. **Scope of chapter.** This chapter shall govern the storage, transportation, sale, distribution and possession of alcoholic beverages in the City of Lebanon. In this chapter "alcoholic beverages" shall mean and include alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5\%) by weight or less.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic

\(^1\)Municipal code reference
Open containers prohibited: section 11-1002.

\(^2\)Ord. 90-817 upon which this chapter is based repealed in its entirety chapter 1, title 2 of the 1968 municipal code.
content of five percent (5%) by weight or less, and no ordinance related thereto
is modified by this chapter. (Ord. 90-817)

8-102. State laws to be complied with. No person, firm, corporation,
association or partnership shall engage in the wholesale or retail liquor business
unless all the necessary state licenses and permits have been obtained. (Ord.
90-817)

8-103. Restrictions on operators of retail liquor stores.
(1) Government employees prohibited from obtaining permit. No
person, member of a firm, corporation, or partnership shall operate a retail store
for the sale of alcoholic beverages herein defined if he is a holder of a public
office, either appointed or elective, or who is a public employee either national,
state, city or county except uncompensated appointed members of boards of
commissioners who have no duties covering the regulation of permit holders
under this chapter. It shall be unlawful for any such person to have any interest
in such retail business directly or indirectly, either proprietary or by means of
any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) Residence requirements. No person, member of a firm, corporation,
partnership or association shall own or operate a retail store for the sale of
alcoholic beverages as herein defined if he shall not have been a resident of
Wilson County for five (5) years prior to making application for a license. This
requirement as to residence in the case of a corporation, firm, associations, or
a partnership shall apply to all of its officers, stockholders, and partners.

(3) Age limit. No retailer engaged in any activity covered by this
chapter shall be a person under the age of eighteen (18) years. No employee
engaged in any activity covered by this chapter shall be a person under the age
of eighteen (18) years, and it shall be unlawful for any retailer or employee to
permit any such person under the age of eighteen (18) in his place of business
to engage in the sale of alcoholic beverages.

(4) Employees. No retailer shall employ in the sale, storage, or
distribution of alcoholic beverage any person who, within ten (10) years prior to
the date of his employment, shall have been convicted of a felony or of any law
regulating intoxicating liquors or controlled substances, and in case an employee
should be so convicted after becoming employed he shall immediately be
discharged.

(5) Transfer or sale of license prohibited. The holder of a license may
not sell, assign, or transfer such license to any other person, and the license
shall be good and valid only for the calendar year in which the same was issued
and at the location specified in the license.

(6) Undisclosed interest prohibited. It shall be unlawful for any person
to have ownership in or to be a partner in or a stockholder, director, or officer,
or to participate directly or indirectly in the profits of any business for which a
license is granted hereunder, unless his interest in the business and the nature,
extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and the purchaser. (Ord. 90-817)

8-104. Certificate of good moral character-forms and fee

(1) Forms and fee. Before any character certificate, as required by Tennessee Code Annotated, section 57-3-208 or a renewal as required by 57-3-213 shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

(a) Name, age and address of the applicant.
(b) Number of years residence in the city.
(c) Occupation or business and length of time engaged in such occupation or business.
(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
(e) If employed, the name and address of employer.
(f) If in business, the kind of business and location thereof.
(g) The location of the proposed store for the sale of alcoholic beverages.
(h) The name and address of the owner of the store.
(i) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

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

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1State law reference
Tennessee Code Annotated, section 57-3-208.

2State law reference
Tennessee Code Annotated, section 57-3-208 requires the certificate of good moral character to be signed by the mayor or a majority of the governing body.
shall be verified by the oath of each partner, or by the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars ($250.00).

(2) Privilege license tax. In addition to the investigation fee levied under section 8-104(1) above, there shall be levied on the business a privilege license tax in accordance with the provisions of the "Business Tax Act" as enacted by Tennessee Code Annotated, § 67-4-101 et seq. (Ord. 90-817, modified)

8-105. Certificate of good moral character-expiration and renewal. Certificates of good moral character issued under this chapter shall expire after two years or any time there is a change in ownership of the licensed establishment or any time a license issued by the alcoholic Beverage Commission is revoked, canceled, or otherwise terminated other than by annual expiration.¹ (Ord. 90-817; ord. 92-952, modified)

8-106. Certificate of good moral character-issuance. A certificate of compliance shall be authenticated as any other resolution of the city council if the city council while in session shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within ten (10) years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant or applicants meets all the other requirements of this chapter. (Ord. 90-817)

8-107. Certificate of good moral character-approval, etc. (1) An application for certificate of compliance must be submitted by all owners, partners, stockholders or directors of the store, whether same is a firm, 

partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, nor as a stockholder, officer or director on more than one application, nor hold more than one permit at the same time.

(2) A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The commissioner of finance and revenue shall review the applications and notify the applicants, the city council and mayor of any errors and insufficiencies based on the application. The application shall be signed and verified as to all owners, partners, stockholders, directors or otherwise and shall reflect the names of all persons having any financial interest in and to the proposed liquor store. No sale, transfer or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining a permit from the City of Lebanon and the State of Tennessee Alcoholic Beverage Commission. (Ord. 90-817)


(1) Filing an application. All applications submitted in accordance with this chapter shall be filed with the commissioner of finance and revenue at least ten (10) days prior to a regular or special called meeting. The mayor and city council shall receive the applications and take appropriate action in accordance with this chapter.

(2) Employee permits. Applicants for an employee permit to serve as an employee in the place of business of a retail liquor store under the provision of Tennessee Code Annotated, § 57-3-204 shall submit the name of such employee to the chief of police of the City of Lebanon, and/or the commissioner of finance and revenue. The city shall charge no fee for employee permits. (Ord. 90-817)

8-109. Privilege license required. Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the commissioner of finance and revenue. There shall be no fee for said license. The commissioner of finance and revenue shall not issue said license until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the commissioner of finance and revenue the state retailers license issued to the applicant by the Alcoholic Beverage Commission. (Ord. 92-952)

8-110. Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages
except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) **Sales on Sundays prohibited.** No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) **Sales to minors prohibited.** No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) **Sales on certain holidays prohibited.** No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and the Fourth of July.

(6) **Keeping an unsealed bottle or container prohibited.** No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) **Sales to person intoxicated prohibited.** No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer sell any alcoholic beverages to any person accompanied by a person who is drunk.

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

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

(10) **Political advertising prohibited.** No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) **Consumption on the premises prohibited.** No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller. (Ord. 90-817)

### 8-111. Retail store restrictions and inspection

(1) No retail store shall be permitted except on property in zoning districts B-4 (highway business), B-5 (interchange business), and M-4 (business/manufacturing park); use on appeal may be granted by the Lebanon Board of Zoning Appeals within other commercial zoning districts. No retail store shall be allowed when it is 450 feet or nearer from the front door of any church or school to the front door of the store, as measured in a straight line, nor on any property adjoining a school or church all based upon conditions existing at the time of the original application.
(2) No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain any additional door into such lobby, so long as same shall be opened to the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home of other moveable type building. The store shall have night lighting surrounding the outside of the premises, and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 1000 square feet. All retail sales shall be confined to the premises of the structure and no curb service shall be permitted nor shall there be permitted drive-in windows.

(3) Duly authorized representatives of the city shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business. (Ord. 90-817, modified, as replaced by Ord. #95-1294, §§ 1 and 2, March 1995; and amended by Ord. #04-2570, March 2004)

8-112. Inspection fees. (1) Inspection fee. There is hereby levied and imposed an inspection fee of five percent (5%) on all purchases of alcoholic beverages by the retailer.

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

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

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

(a) The name and address of the retailer;
(b) The wholesale price of the alcoholic beverages sold to such retailer;
(c) The amount of tax due under this section; and
(d) Such other information as may be required by the commissioner of finance and revenue of the City of Lebanon. The monthly report shall be furnished to the commissioner of finance and
revenue of the City of Lebanon not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Lebanon shall be paid to the City of Lebanon at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City of Lebanon shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Lebanon.

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

The City of Lebanon shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of the monthly report.

(6) Disposition of fee. The commissioner of finance and revenue shall deposit all funds collected hereunder in the general fund. (Ord. 90-817, as amended by Ord. #92-952, July 1992)

8-113. Public drinking and display prohibited. It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant or on any public street or sidewalk, or in any public park, playground, theater, stadium, school or school ground. (Ord. 90-817)

8-114. Penalties. Any violation of any section of this chapter, upon conviction, shall be punished according to Tennessee Code Annotated, § 57-3-412. (Ord. 90-817, modified)

8-115. Privilege tax on liquor-by-the-drink. (1) There is hereby levied a tax on the privilege of engaging in the business of selling at retail alcoholic beverages for consumption on premises. For the exercise of such privilege, the following taxes are levied to be paid annually:

<table>
<thead>
<tr>
<th>Type of Establishment</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Club</td>
<td>$ 300</td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>$1,000</td>
</tr>
<tr>
<td>Convention Center</td>
<td>$ 500</td>
</tr>
<tr>
<td>Premiere Type Tourist Resort</td>
<td>$1,500</td>
</tr>
</tbody>
</table>
Restaurant, according to seating capacity, on licensed premises:

<table>
<thead>
<tr>
<th>Seats Range</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>75-125 seats</td>
<td>$600</td>
</tr>
<tr>
<td>126-175 seats</td>
<td>$750</td>
</tr>
<tr>
<td>176-225 seats</td>
<td>$800</td>
</tr>
<tr>
<td>226-275 seats</td>
<td>$900</td>
</tr>
<tr>
<td>276 seats and over</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

Historic Performing Arts Ctr  $300
Urban Park Center             $500
Commercial passenger boat co. $750
Historic Mansion House Site  $300
Community theater             $300
Zoological institution       $300
Museum                        $300

Establishment in a terminal building or a commercial air carrier airport $1,000
Commercial airline travel club $500

(2) It shall be unlawful for any person to engage in the retail sale of alcoholic beverages for on premises consumption in the City of Lebanon without having first obtained a permit evidencing payment of the aforesaid privilege tax which shall be renewed on March 1 of each year. (Ord. #91-898, §§ 1 and 2, Nov. 1991)
CHAPTER 2

BEER

SECTION
8-201. Scope of chapter.
8-203. Issuance of beer license authorized.
8-204. Applications for and issuance of permits; record of permits issued; investigation of applications.
8-205. Location restrictions for beer permits.
8-206. Revocation and suspension of beer permits.
8-207. Revocation of permits for false statements in application.
8-208. Restrictions on issuance of permit to applicant who has had permit revoked.
8-209. Restrictions of issuance of permit at same location after revocation.
8-210. License fee forfeited upon revocation of permit.
8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required.
8-212. Beer permit to be posted.
8-213. Premises subject to inspection.
8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit.
8-215. License and permit to be posted.
8-216. Brewers and wholesalers prohibited from having interest in retail business.
8-217. Regulation of beer sales.
8-218. Penalties.
8-219. Severability.

8-201. Scope of chapter. This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content in the City of Lebanon. In this chapter "beer" shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight, or more and no ordinance related thereto

\(^1\)Ord. 91-835 upon which the chapter is based repealed in its entirety chapter 2, title 2 of the 1968 municipal code, as amended.
8-202. **Beer board membership, organization, meetings, and quorum.** The beer board of Lebanon, Tennessee, shall consist of five (5) members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three (3) years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The commissioner of finance and revenue shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold regular meetings at such place and at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three (3) members shall be required for any action. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-203. **Issuance of beer license authorized.** The commissioner of finance and revenue shall issue a license for the transportation, storage, sale, distribution, possession, receipt, and/or manufacture of beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, when the applicant therefor pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-204. **Applications for and issuance of permits; record of permits issued; investigation of applications.** It shall be the duty of the commissioner of finance and revenue of Lebanon, Tennessee, to receive all applications for beer permits and licenses in Lebanon, Tennessee. It shall then be his and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the commissioner of finance and revenue.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of **Tennessee Code Annotated**, § 57-5-101 et seq.
It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the city, such payment to be evidenced by the production of a receipt of the commissioner of finance and revenue stamped paid.

Each application shall set forth the following:

1. full name of applicant
2. age of applicant
3. residence address of the applicant, if an individual;
4. the full name, age, and residence address of each partner if the applicant is a partnership;
5. if the applicant is a corporation:
   a. the names and addresses of the principal officers;
   b. whether the corporation is organized under laws of Tennessee or of some other and what state;
   c. whether it is duly authorized to transact business in Tennessee; and
   d. the address of its principal office in this state;
6. place where the business is to be conducted, giving street number, or other Apt. and definite description;
7. the kind of permit desired, whether "manufacturer's " permit, "off-premises consumption" permit, or "on-premises consumption" permit;
8. whether the applicant will conduct business in person, or acting as agent for any other person, firm, corporation;
9. whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years;

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, incorporated club, or incorporated lodge to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The commissioner of finance and revenue shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of
expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership.

This book shall be kept up to date by the commissioner of finance and revenue and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirement of this chapter and with the provisions and requirements of Tennessee Code Annotated, § 57-5-101 et seq.

Pursuant to Tennessee Code Annotated, § 57-5-103(e), the mayor and the commissioner of finance and revenue are hereby authorized to take the necessary actions to enter into a contract with the Tennessee Bureau of Investigation for the purpose of running criminal history background and fingerprint checks on applicants for beer permits. Any fees charged by the TBI for the checks shall be passed on to the individual applicants. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998, as amended by Ord. #10-3648, March 2010)

8-205. Location restrictions for beer permits. (1) No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one (1) or two (2) families, as determined by the distance requirements of subsection (b). This subsection shall not affect any location for which a beer permit was in effect within three hundred sixty-five days (365) of January 6, 2009, the effective date of the ordinance codified in this subsection (a) and, further, shall not affect said location thereafter so long as a beer permit is held for that location without lapse of more than three hundred sixty-five (365) days, even if there is a change of ownership of the location or the business thereon. Provided, however, the foregoing to the contrary notwithstanding, the distance requirements contained herein shall be applied to any location which has been granted a beer permit after January 6, 2009, that was not subject to a minimum distance requirement.

(2) Distances shall be measured in a straight line from the front door of the applicant's location to the front door of any church, school, day care center, nursery school, or dwelling, as determined by the door closest to the street upon which mailing addresses are determined, or, to the closest boundary of the playground of the church, school, or day care center, whichever is closest to the applicant's building. Additionally, such distances shall be measured in a straight line from the front door of the applicant's location to the closest boundary of any park.

(3) Any questions concerning the distance measurement involved may be submitted to the Lebanon Board of Zoning Appeals by either the Lebanon Beer Board or the applicant, for a determination of the correct distance
requirements or to seek relief under the circumstances. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998, and Ord. #08-3477, Jan. 2009)

8-206. Revocation and suspension of beer permits. Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension may be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any person working for him sells beer to minors over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating his age to be twenty-one (21) or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-207. Revocation of permits for false statements in application. The making of any false statement by an applicant for a permit in his application shall be sufficient ground, reason, and cause for the revocation of the permit issued to him by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-208. Restrictions on issuance of permit to applicant who has had permit revoked. No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten (10) years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some ground, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two (2) years from the revocation of the first permit. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-209. Restrictions on issuance of permit at same location after revocation. Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such
permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-210. License fee forfeited upon revocation of permit. No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required. (1) There shall be three (3) classes or kinds of permits issuable by the beer board, as follows:

(a) A "manufacturer's" permit to a manufacturer of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer, may be issued by the beer board for any plant, building, and premises located within the corporate limits of Lebanon, Tennessee, which may be lawfully devoted to a commercial or industrial use.

(b) An "off premises consumption" permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

(c) An "on premises consumption" permit to an individual, corporation, incorporated club, incorporated lodge, or association for the receipt, possession, storage, and sale at retail of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, to be consumed by the purchaser and/or his guests upon the premises of the permittee.

(2) The operator of a regularly conducted hotel, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to persons in rooms of the regularly conducted hotel.

(3) Any regularly incorporated club or lodge, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to members and guests of the members within the house or building of the club or lodge.
(4) No temporary or special event permits shall be issued by the Lebanon Beer Board.

(5) No permit of any kind shall be issued by the beer board to a person under twenty-one (21) years of age.

(6) No permit of any kind shall be issued to any corporation, incorporated club or incorporated lodge unless the same is chartered and organized under the laws of the State of Tennessee or domesticated, and duly authorized to transact business in the State of Tennessee, conducting a lawful business, and paying the privileges taxes.

(7) No permit of any kind shall be issued by the beer board unless it shall be made to appear from the written and verified application of the applicant that neither the applicant nor any person employed or to be employed by him in the distribution or sale of such beer or such other beverage is under the age of eighteen (18) or a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years. (Ord. 91-835, modified, as replaced by Ord. #98-1854, Oct. 1998)

8-212. **Beer permit to be posted.** The beer permit shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. No person shall engage in the manufacture or sale of beer within the city limits of Lebanon, Tennessee, without obtaining a permit as herein provided. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-213. **Premises subject to inspection.** The place of business and premises of the holder of any permit issued by the beer board shall be open to inspection and investigation by any police officer of Lebanon, Tennessee, at any time the place is open for business. Any refusal by the holder of a permit or by his agents, servants, or employees to permit any police officer to enter upon, inspect, and investigate any house, building, room, or rooms wherein business authorized by any permit issued by the beer board is conducted, within the hours that such house, building, room, or rooms are open for business, shall be grounds for suspension or revocation of the holder's beer permit. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-214. **Unlawful to engage in beer business without paying license fee and obtaining a permit.** It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any person, partnership, corporation, association, incorporated club, or incorporated lodge to manufacture, possess, store, receive, sell, distribute, or transport any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, within the corporate limits of Lebanon, Tennessee, without having first paid the license fee prescribed in this chapter
and without first having obtained a permit issued by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-215. License and permit to be posted. The privilege license issued by the commissioner of finance and revenue, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-216. Brewers and wholesalers prohibited from having interest in retail business. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, or the agent or agents of any such brewer or wholesaler, to make any loan to, or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of, or in the premises occupied by, any retailer holding a permit issued by the beer board. (Ord. 91-835)

8-217. Regulation of beer sales. (1) No permittee or his agent or employee shall:

(a) sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content.

(b) sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(d) sell or permit the selling of beer on Christmas Day.

(2) Hours of sale. "On-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday nor between the hours of two o'clock A.M. (2:00 A.M.) and twelve noon (12:00 noon) on Sunday. No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after two fifteen (2:15 A.M.) o'clock A.M..

"Off-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and six o'clock A.M. (6:00 A.M.) Monday through Saturday and from two o'clock A.M. (2:00 A.M.) and twelve noon (12:00 noon) on Sunday.
(3) "On premises consumption" permittees not to allow beer to be furnished to minors. It shall be unlawful for any such holder of an "on premises consumption" permit, or any agent, servant, or employee of such holder to sell and/or serve, or to give to any person under twenty-one (21) years of age or allow any patron or other person to furnish to any person under twenty-one (21) years of age in the place of business of such holder, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight or any other beverage of like alcoholic content.

(4) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for the holder of any kind of permit issued by the beer board to employ in the sale and distribution of any beer an alcoholic content of not more than five percent (5%) by weight or any other beverage of like alcoholic content, any minor under the age of 18 or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years.

(5) No sales of draft beer in re-sealed or open container, or containers of beer sealed by the manufacturer shall be sold for off-premises consumption by "on premises consumption" permittee's.

(6) No beer for on premises consumption shall be sold by "off-premises consumption" permittee's.

(7) Any permittee with both "on-premises consumption" and "off-premises consumption" beer permits shall have each business located and operated separate and apart from the other. Any issues concerning the types and location of operation shall be determined by the beer board and rest in their sound discretion.

(8) Regulation of beer permits--public square area. It shall be unlawful for an "on-premises consumption" permit to be issued for any business operation that primarily sells beer in a building on the Lebanon Public Square, or in any building in the area bounded on the north by Market Street, on the east by College Street, on the South by Gay Street and on the west by Maple Street, except for business locations where the express purpose is a replacement or substitution of an existing "on-premises consumption" permit for businesses that primarily sell beer which were in effect on December 5, 1995. Nothing in this section shall in any way affect or diminish any existing permit rights, or renewal thereof, for "on-premises consumption" permits in existence on December 5, 1995 in the subject area, or in any way limit the issuance of such permits outside of the described area. Further, this section does not effect the issuance of an "on-premises consumption" beer permit to applicants in the described area when the sale of beer is incidental to the business operation and not its primary purpose. (As added by Ord. #95-1401, § 1, Dec. 1995, as replaced by Ord. #98-1854, Oct. 1998)
8-218. **Penalties.** (1) Any violation of this chapter shall:
(a) Be subject to prosecution in the Lebanon City Court as a Class C misdemeanor.
(b) Be grounds for denial, suspension or revocation of an application or beer permit.
(c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.
(2) Separate offense. Each day a violation continues shall constitute a separate offense.
(3) Revocation/suspension. Based upon the nature and the severity of any violation or non-compliance with the provisions set forth herein, and other applicable statutes and law, the Lebanon City Beer Board shall after a full and fair hearing:
(a) Deny applicant's request for a beer permit.
(b) Suspend a permittee's license for a specified period of time not to exceed ninety (90) days.
(c) Revoke a permittee's license or beer permit for a period not to exceed ten (10) years.
(4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law. No appeal from any action of the Lebanon Beer Board shall lie to either the Lebanon City Court nor to the Lebanon City Council. (As added by Ord. #98-1854, Oct. 1998)

8-219. **Severability.** The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (As added by Ord. #98-1854, Oct. 1998)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS ETC.
3. TAXICABS.
4. PAWNBROKERS, JUNK DEALERS, AND SECONDHAND DEALERS.
5. FAIR HOUSING CODE.
6. CABLE TELEVISION.
7. ADULT-ORIENTED ESTABLISHMENTS.
8. TREE TRIMMERS, CUTTERS, SPRayers, AND STUMP GRINDERS.
9. AUTOMATIC AMUSEMENT DEVICES.

CHAPTER 1

MISCELLANEOUS

SECTION
9-102. False weights and measures.

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section. (1968 code, § 5-101)

¹Municipal code references
   Building, plumbing, wiring and housing regulations: title 12.
   Liquor and beer regulations: title 8.
   Noise reductions: title 11.
   Posting advertisements and notices: title 11.
   Taxation: title 5.
9-102. **False weights and measures.** It shall be unlawful for any person to sell or offer for sale any merchandise, goods, or wares by false weights or measures. (1968 code, § 5-102)
CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION
9-201. Definitions.
9-203. Permit required.
9-204. Permit procedure.
9-205. Restrictions on peddlers, street barkers and solicitors.
9-207. Display of permit.
9-208. Suspension or revocation of permit.
9-209. Expiration and renewal of permit.
9-210. Violation and penalty.

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

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the

¹Municipal code reference
   Privilege taxes: title 5.
   Trespass by peddlers, etc.: section 11-801.

State law references
   Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).
public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

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

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

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

(4) "Solicitor for subscriptions or book sales" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or solicits the sale of books or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor" means any person who brings onto temporary premises stocks of merchandise and offers to sell said merchandise to the public. "Transient vendor" does not include any person selling goods by sample, brochure, or sales catalog who does not remain at one location. For purposes of this definition, "merchandise" means any consumer item that is offered for sale, whether said item is new or used, and "temporary premises" means any public or quasi-public place including a motel, hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, parking lot, railroad car, motor vehicle or along any public street within twenty-five (25') feet of the roadway which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public for sale. Premises are not temporary if the same person or organization has conducted business at those premises for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (as amended by Ord. #95-1303, § 1, May 1995; and further amended by Ord. #95-1327, §§ 1 and 2, July 1995)

9-202. Exemptions. The terms of this chapter shall not apply to:

(1) Persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, so long as said merchants have a permanent place of business, nor to persons selling agricultural products, so long as those agricultural products were produced by the persons and are sold only at the Farmer's Market. The selling
of agricultural products by transient vendors at any place other than the Farmer's Market on South Maple Street shall be forbidden.

(2) Vendors of Christmas trees who operate between November 1 and December 31 of each year, nor to fireworks vendors that operate under the permits and codes for said fireworks vendors.

(3) The provisions of this chapter do not apply to "garage sales" so long as the garage sale does not occur at a frequency more often than three (3) days per month.

(4) The provisions of this chapter do not apply to "flea markets" which are operating in an established commercial zone at a permanent location and structure.

(5) This chapter does not apply to sales conducted under authorized programs at the James Ward Center or during events sponsored and sanctioned by the City of Lebanon.

All other persons not specifically exempted herein shall be governed by the provisions of said chapter. (as amended by Ord. #95-1303, §§ 2 and 3, May 1995; and further amended by Ord. #95-1327, §§ 1 and 2, July 1995)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions or book sales shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (as amended by Ord. #95-1327, §§ 1 and 2, July 1995)

9-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

   (a) The complete name and permanent address of the business or organization the applicant represents.
   (b) A brief description of the type of business and the goods to be sold.
   (c) The dates for which the applicant intends to do business or make solicitations.
   (d) The names and permanent addresses of each person who will make sales or solicitations within the city.
   (e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitation, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.
   (f) Tennessee State sales tax number, if applicable.
(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a non-refundable fee of fifty dollars ($50.00) for each period of said permit not to exceed a duration of five (5) consecutive days. There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions and book sales. In addition to the permit fee described herein, a transient vendor shall pay any additional permit fee as stated in section 9-206(b).

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant. The permit shall expire on the dated noted thereon.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

9-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

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

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

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-206. Restrictions on transient vendors. (1) A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire,
water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) In addition to the permit fee required under section 9-204(2) in the amount of fifty dollars ($50.00) for each permit which shall have only a five (5) day duration, an additional transient vendor fee is required, which shall be a sum of one hundred dollars ($100.00) per day for each permit day requested by the transient vendor. (as amended by Ord. #95-1303, § 5, May 1995; and further amended by Ord. #95-1327, §§ 1 and 2, July 1995)

**9-207. Display of permit.** Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions and book sales is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer or codes enforcer upon demand. (as amended by Ord. #95-1327, §§ 1 and 2, July 1995)

**9-208. Suspension or revocation of permit.** (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the city council. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (as amended by Ord. #95-1327, §§ 1 and 2, July 1995)

**9-209. Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire five (5) days after the issuance thereof, and shall require the renewal of said permit and the payment of a fee under the provisions of LMC 9-204(2) for operation beyond the initial five (5) day duration. The permit for solicitors for subscriptions or book sales shall be valid for a period of ninety (90) days. A transient vendor's renewal shall also require the additional permit fee of one hundred dollars ($100.00) per day as stated in LMC 9-206. (as amended by Ord. #95-1303, § 6, May 1995; and further amended by Ord. #95-1327, §§ 1 and 2, July 1995)
9-210. **Violation and penalty.** (1) In addition to any other action the
City of Lebanon may take against a person or organization in violation of this
chapter, the failure of any person or organization to obtain the required permits
and pay the fees stated hereunder shall be a violation punishable by a fine of
fifty dollars ($50.00) for each day that said person or organization is in violation
of this chapter.

(2) Furthermore, the City of Lebanon may pursue action in chancery
court to obtain injunctive relief concerning any violators of this chapter. (as
amended by Ord. #95-1303, § 7, May 1995; and further amended by Ord.
#95-1327, §§ 1 and 2, July 1995)
CHAPTER 3

TAXICABS¹

SECTION

9-301. Definitions.
9-305. Issuance or denial of certificate.
9-306. Liability insurance required.
9-307. License fees.
9-308. Transfer of certificates.
9-309. Suspension and revocation of certificates.
9-310. Taxicab driver's permit required.
9-311. Application for driver's permit.
9-312. Examination of applicant--current state special chauffeur's license required.
9-313. Police investigation of applicant--traffic and police record.
9-314. Consideration of application.
9-315. Issuance of license--duration--annual fee.
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9-318. Drivers to comply with city, state, and federal laws.
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9-322. Refusal of passenger to pay legal fare.
9-323. Receipt and discharge of passengers on sidewalk only.
9-324. Restriction on number of passengers.
9-325. Refusal to carry orderly passengers prohibited.
9-326. Selling liquor prohibited.
9-327. Payment of fare in advance.
9-328. Taxicab service to be comprehensive.
9-331. Police department--duty to enforce chapter.
9-332. Rates.
9-333. Applicability of chapter to holders of certificates issued without a hearing.

9-301. **Definitions.** The following words and phrases when used in this chapter shall have the meaning as set out herein:

1. "Certificate" means a certificate of public convenience and necessity, issued by the city council authorizing the holder thereof to conduct a taxicab business in Lebanon, Tennessee.
2. "Driver's permit" means the permission granted by the city council to a person to drive a taxicab upon the streets of the City of Lebanon.
3. "Holder" means a person to whom a certificate of public convenience and necessity has been issued.
4. "Person" includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.
5. "Rate card" means a card which contains the rates of fare then in force and which is issued by the city council for display in each taxicab.
6. "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire primarily within the corporate limits and the suburban territory adjacent thereto. (1968 code, § 5-401)

9-302. **Certificate of public convenience and necessity required.** No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Lebanon without having first obtained a certificate of public convenience and necessity from the city council. (1968 code, § 5-402)

9-303. **Application for certificate.** An application for a certificate shall be filed with the commissioner of finance and revenue upon forms provided by the City of Lebanon. The application shall be verified under oath and shall furnish the following information:

1. The name and address of the applicant.
2. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments.
3. The experience of the applicant in the transportation of passengers.
4. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
5. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
6. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
7. Such further information as the city council may require. (1968 code, § 5-403)

9-304. **Public hearing.** Upon the filing of an application the city council shall fix a time and place for a public hearing thereon. Notice of the hearing shall be given to the applicant and to all persons to whom certificates of public
convenience and necessity have theretofore been issued. Due notice shall also be given the general public by posting a notice of the hearing in the city hall. Any interested person may file with the city council a memorandum in support of or in opposition to the issuance of a certificate. (1968 code, § 5-404)

9-305. Issuance or denial of certificate. If the city council finds that further taxicab service in the City of Lebanon is required by the public convenience and necessity and that the applicant is fit and willing to comply with the provisions of this chapter and any other rules promulgated by the city council, then the commissioner of finance and revenue shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied. In making the above findings, the city council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant. (1968 code, § 5-405)

9-306. Liability insurance required. No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Tennessee for each vehicle in the amount of $10,000.00 for bodily injury or death to any one person, $20,000.00 for bodily injuries or death to more than one person which are sustained in the same accident, and $5,000.00 for property damage resulting from any one accident. (1968 code, § 5-406)

9-307. License fees. No certificates shall be issued or continued in operation unless the holder thereof has paid an annual license fee of $35.00 (thirty-five dollars) for the first automobile, $25.00 (twenty-five dollars) for the second automobile and $15.00 (fifteen dollars) for each additional vehicle per annum operated under a certificate of public convenience and necessity. These license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by the proper authority and applicable to the holder of the vehicle or vehicles under his operation and control. (1968 code, § 5-407)

9-308. Transfer of certificates. No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the city council. (1968 code, § 5-408)

9-309. Suspension and revocation of certificates. (1) A certificate issued under the provisions of this chapter may be revoked or suspended by the city council if the holder thereof has:
(a) Violated any of the provisions of this chapter.
(b) Discontinued operations for more than ten days.
(c) Violated any law involving moral turpitude.

(2) Prior to any revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the city council. (1968 code, § 5-409)

9-310. **Taxicab driver's permit required.** No person shall operate a taxicab upon the streets of Lebanon and no person who owns or controls a taxicab shall permit it to be driven unless the driver has obtained and has in force a taxicab driver's permit issued under the provisions of this chapter. (1968 code, § 5-410)

9-311. **Application for driver's permit.** (1) An application for a taxicab driver's permit shall be filed with the city council on forms provided by the city. The application shall be verified under oath and shall contain the following information.

   (a) The names and addresses of four residents of the City of Lebanon who have known the applicant for a period of two years and who will vouch for the sobriety, honesty, and general good character of the applicant.
   (b) The experience of the applicant in the transportation of passengers.
   (c) The educational background of the applicant.
   (d) A concise history of his employment.

(2) Each application shall be accompanied by a certificate from a reputable physician of the City of Lebanon certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

(3) At the time the application is filed the applicant shall pay to the commissioner of finance and revenue the sum of one dollar ($1.00) per driver. (1968 code, § 5-411)

9-312. **Examination of applicant—current state special chauffeur's license required.** Before any application is finally passed upon by the city council, the applicant shall pass a satisfactory examination as to his knowledge of the city and show that he has a current state special chauffeur's license. (1968 code, § 5-412)

9-313. **Police investigation of applicant—traffic and police record.** The police department shall conduct an investigation of each applicant for a taxicab driver's license, and a report of the investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for
the consideration of the city council. No license shall be issued to any person
who is under the age of 21. (1968 code, § 5-413)

9-314. Consideration of application. The city council shall, upon
consideration of the application and the reports and certificate required to be
attached thereto, approve or reject the application. If the application is rejected,
the applicant may request a personal appearance before the city council to offer
evidence why his application should be reconsidered. (1968 code, § 5-414)

9-315. Issuance of license—duration—annual fee. Upon approval of
an application for a taxicab driver's license the commissioner of finance and
revenue shall issue to the applicant a license which shall bear the name,
address, color, age, and signature of the applicant. The license shall be in effect
for the remainder of the calendar year. A license for every calendar year
thereafter shall be issued upon the payment of $2.00 per driver, unless the
license for the preceding year has been revoked. (1968 code, § 5-415)

9-316. Display of license. Every driver licensed under this chapter
shall post his driver's license in such a place in his taxicab as to be in full view
of all passengers while the driver is operating the taxicab. (1968 code, § 5-416)

9-317. Suspension and revocation of licenses. The city council may
suspend any driver's license issued under this chapter for a driver's failing or
refusing to comply with the provisions hereof, such suspension to last for a
period of not more than sixty (60) days. The city council may also revoke any
driver's license for failure to comply with the provisions of this chapter.
However, a license may not be revoked unless the driver has received notice and
has an opportunity to present evidence in his behalf. (1968 code, § 5-417)

9-318. Drivers to comply with city, state, and federal laws. Every
driver licensed under this chapter shall comply with all city, state, and federal
laws. (1968 code, § 5-418)

9-319. Vehicles—equipment and maintenance. Prior to the use and
operation of any vehicle under the provisions of this chapter, the vehicle shall
be thoroughly examined and inspected by the police department and found to
comply with such reasonable rules and regulations as may be prescribed by the
department. These rules and regulations shall be promulgated to provide safe
transportation and shall specify such safety equipment and regulatory devices
as the police department deems necessary therefor. When the police
department finds that a vehicle has met the standards established, the
department shall issue a license to that effect, which shall also state the
authorized seating capacity of the vehicle. Every vehicle operating under this
chapter shall be periodically inspected by the police department at such
intervals as are established by the police department to insure the continued
maintenance of safe operating conditions. A fee of $2.00 shall be charged for each inspection.

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the police department. (1968 code, § 5-419)

9-320. Designation of taxicabs. Each taxicab shall bear on the outside of each rear door, in painted letters not less than two (2) inches nor more than four (4) inches in height, the name of the owner. (1968 code, § 5-420)

9-321. Receipts. The driver of any taxicab shall upon demand by the passenger render to the passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt, on which shall be the name of the taxicab owner, the license number or motor number of the taxicab, the amount of charges, and the date of transportation. (1968 code, § 5-421)

9-322. Refusal of passenger to pay legal fare. It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired it, and it shall be unlawful for any person to hire any taxicab with intent to defraud the person from whom it is hired of the value of such service. (1968 code, § 5-422)

9-323. Receipt and discharge of passengers on sidewalk only. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk to the extreme right-hand side of the road and there receive or discharge passengers, except upon a one-way street, where passengers may be received or discharged at either the right or left hand sidewalk, or side of the roadway in the absence of a sidewalk. (1968 code, § 5-423)

9-324. Restriction on number of passengers. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as stated in the license for the vehicle issued by the police department. A child in arms shall not be counted as a passenger. (1968 code, § 5-424)

9-325. Refusal to carry orderly passengers prohibited. No driver shall refuse or neglect to convey an orderly person, or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (1968 code, § 5-425)
9-326. **Selling liquor prohibited.** No driver shall engage in the sale or transportation of intoxicating liquors prohibited by state or local law. (1968 code, § 5-426)

9-327. **Payment of fare in advance.** Every driver of a taxicab shall have the right to demand payment of the regular fare in advance, and may refuse employment unless so prepaid. (1968 code, § 5-427)

9-328. **Taxicab service to be comprehensive.** All persons engaged in the taxicab business in the City of Lebanon shall render an over-all service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of Lebanon as soon as they can do so, and if the call cannot be answered they shall give the reason therefor. Any holder who refuses to accept a call anywhere in the corporate limits of the City of Lebanon at any time when the holder has an available cab, or who fails or refuses to give over-all service, shall be deemed a violator of this chapter and the certificate granted to such holder shall be revoked at the discretion of the city council. (1968 code, § 5-428)

9-329. **Accidents.** All accidents arising from or in connection with the operation of taxicabs and which result in death or injury to any person, or in damage to any vehicle or to any property in an amount exceeding the sum of fifty dollars ($50.00) shall be reported within twenty-four (24) hours from the time of occurrence to the police department on a form of report to be furnished by the department. (1968 code, § 5-429)

9-330. **Advertising.** Subject to the approval of the city council, it shall be lawful for any person owning or operating a taxicab to permit advertising matter to be affixed to or installed in or on such vehicle. (1968 code, § 5-430)

9-331. **Police department—duty to enforce chapter.** The police department is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report it to the city council which will order or take appropriate action. (1968 code, § 5-431)

9-332. **Rates.** All taxicabs operating under the provisions of this chapter shall charge a basic fee or rate which shall be approved by the city council. No changes in these rates shall be made at any time without the approval of the city council. When changes are desired by the taxicab owners or operators to be
made in the rate schedule, the taxicab owners or operators shall submit to the
city council a proposed schedule of rates showing the changes desired to be
made. (1968 code, § 5-432)

9-333. **Applicability of chapter to holders of certificates issued without a hearing.** Although a certificate of convenience and necessity may be issued for immediate operation of taxicabs, the holder of any such certificate must also otherwise comply with the provisions of this chapter within sixty (60) days from the effective date of these provisions. (1968 code, § 5-433)

9-334. **Violations.** Any person, firm, or corporation violating any section of this chapter shall be guilty of a misdemeanor and subject to a fine under the general penalty clause for this code. (1968 code, § 5-434)
CHAPTER 4  
PAWNBROKERS, JUNK DEALERS, AND SECONDHAND DEALERS

SECTION
9-402. Register of transactions required.
9-403. Daily copy of register to be furnished to police.
9-405. Dealing with minors prohibited.

9-401. Definitions. (1) "Pawnbroker." Any person whose business is to take or receive by way of pledge, pawn, or exchange any goods, wares, or merchandise, or article of personal property of any kind as security for money lent thereon, for the purpose of this chapter, is hereby declared to be a pawnbroker.

(2) "Junk dealer." Any person in the business of buying, selling, or dealing in old junk, metal, bottles, siphons, books, or other articles and having a store, stand, place of business, or junk yard, for the purpose of this chapter, is hereby declared to be a junk dealer.

(3) "Secondhand dealer." Any person engaged in the business of purchasing or selling goods of any kind or description, having once been used or transferred from the manufacturer to the dealer and then received into the possession of third parties, whether same consists of clothes, rags, iron or other metal, or furniture, household utensils, articles of personal use or wearing apparel, jewelry of any kind or description, old gold or silver, plumbing fixtures, secondhand building materials, or any other goods of the class considered personalty, whether related to any of the goods above specifically described or not, is hereby declared to be a secondhand dealer. (1968 code, § 5-701)

9-402. Register of transactions required. Any and all persons engaged in business as a pawnbroker, a junk dealer, or as a secondhand dealer shall keep a register in connection with such business and at the close of business on each day shall enter or cause to be entered therein an accurate description of the person from whom any article of personal property is purchased or received, or to whom any loan is made on personal property, and shall include in the description the name, age, sex, color, nationality, and place of residence of the person, together with an accurate description of any article of personal property so purchased or received, or upon which a loan is made. The description shall contain any mark, brand, monogram, word or letters blown, stamped, etched or otherwise permanently marked upon the article. The register shall at all times be kept open for the inspection and examination of the chief of police or any other person authorized by the chief of police to inspect it. (1968 code, § 5-702)
9-403. Daily copy of register to be furnished to police. All pawnbrokers, junk dealers, and secondhand dealers shall, not later than 10:00 A.M. of each day, furnish to the chief of police a full and complete copy or transcript of the register in which is entered the transactions of the preceding day as required by section 9-402 above. (1968 code, § 5-703)

9-404. Arrangement of stock for inspection. All articles purchased or received by pawnbrokers, junk dealers, and secondhand dealers shall be so arranged in stock as to enable them to be inspected by the police department or any other person in authority. (1968 code, § 5-704)

9-405. Dealing with minors prohibited. It shall be unlawful for any pawnbroker, junk dealer, or secondhand dealer to buy, take, or receive by way of pledge, pawn, or exchange, any goods, wares, or merchandise or article of personal property of any kind from any person under the age of eighteen (18) years. (1968 code, § 5-705, modified)
CHAPTER 5

FAIR HOUSING CODE

SECTION
9-501. Title.
9-503. Purpose of law; construction; effect.
9-504. Unlawful housing practices.
9-505. Blockbusting.
9-506. Exemptions from housing provisions.
9-507. Enforcement.
9-508. Agency no defense in proceeding against real estate dealer.
9-509. Establishment of procedures for conciliation.
9-510. Findings of hearing board; nature of affirmative action.
9-511. Investigations, powers, records.
9-512. Conspiracy to violate this chapter unlawful.

9-501. Title. This chapter shall be known and may be cited as the City of Lebanon Fair Housing Ordinance. (Ord. 78-449, § 14-107)

9-502. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal or incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or
occupied, or is intended, arranged, or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (Ord. 78-449, § 14-102)

9-503. Purpose of law; construction; effect. The general purposes of this chapter are:

(1) To provide for execution within the City of Lebanon of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (Ord. 78-449, § 14-103)
9-504. **Unlawful housing practices.** It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of the sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex;

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin, or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex; or

(8) Otherwise to deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (Ord. 78-449, § 14-104)

9-505. **Blockbusting.** It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in
the quality of schools in the block, neighborhood, or area in which the real property is located. (Ord. 78-449, § 14-105)

9-506. **Exemptions from housing provisions.** (1) Nothing in section 9-504 shall apply:
   (a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;
   (b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;
   (c) To a landlord who refuses to rent to an unmarried male-female couple.
   (2) Nothing in this chapter shall prevent a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted on account of race, color, sex, or national origin.
   (3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (Ord. 78-449, § 14-106)

9-507. **Enforcement.** (1) The violation of any of the provisions of this chapter shall subject the violator to a penalty authorized in the general penalty clause for this code.
   (2) The city may sue in a civil action through the chancery or circuit court for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions. (Ord. 78-449, § 14-107, modified)

9-508. **Agency no defense in proceeding against real estate dealer.** It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other persons subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (Ord. 78-449, § 14-108)

9-509. **Establishment of procedures for conciliation.** (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation
efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city council shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process. (Ord. 78-449, § 14-109)

9-510. Findings of hearing board; nature of affirmative action.

(1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers, and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
(b) Reporting as to the manner of compliance;
(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;
(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;
(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant as a direct result of its unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (Ord. 78-449, § 14-110)

9-511. Investigations, powers, records.

(1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and
documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep, and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulation or order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (Ord. 78-449, § 14-111)

9-512. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members of representatives in the lawful performance of duty under this chapter. (Ord. 78-449, § 14-112)
CHAPTER 6

CABLE TELEVISION

SECTION
9-601. To be furnished under franchise.

9-601. **To be furnished under franchise.** Cable television shall be furnished to the City of Lebanon and its inhabitants under franchise granted by the city council of the City of Lebanon, Tennessee. The rights, powers, duties and obligations of the City of Lebanon and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

CHAPTER 7

ADULT-ORIENTED ESTABLISHMENTS

SECTION

9-701. Definitions.
9-702. State statutes; licensing requirements.
9-703. T.C.A. requirements.
9-704. Unlawful acts.
9-705. Zoning requirements.
9-707. Fines.

9-701. Definitions. For purposes of this chapter, the following definitions shall be used:

(1) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and, in conjunction therewith, have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers;

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

(5) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein;
"Adult-oriented establishment," includes, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," "escort service," or "adult cabarets" and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import. An "adult-oriented establishment" further includes, any activity or business which has "adult entertainment" for charge or profit;

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

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

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

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

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

"Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment;

"Person" means an individual, partnership, limited partnership, firm, corporation or association;

"Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals;
(ii) Pubic region; 
(iii) Buttocks; and 
(iv) Female breasts below a point immediately above the top of the areola; and 
(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered; and 
(15) "Specified sexual activities" means: 
(a) Human genitals in a state of sexual stimulation or arousal; 
(b) Acts of human masturbation, sexual intercourse or sodomy; 
or 
(c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. #95-1325, § 1, July 1995)

9-702. State statutes; licensing requirements. All persons operating an adult-oriented establishment within the city limits of Lebanon, Tennessee shall obey and follow all state statutes, including but not limited to all statutes concerning nudity and shall also comply with any licensing requirements which may be required under state, county or city law. (Ord. #95-1325, § 2, July 1995)

9-703. T.C.A. requirements. (1) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply to the requirements of T.C.A., section 39-17-901 through T.C.A., section 39-17-908 and T.C.A., section 39-17-911, and T.C.A., section 39-17-914, and T.C.A., section 39-17-918 through T.C.A. section 39-17-920, or be subject to prosecution under said state law.

(2) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply with the requirements of T.C.A., section 39-13-511 or be subject to prosecution under the provisions of said statute. (Ord. #95-1325, §§ 3 and 4, July 1995)

9-704. Unlawful acts. It shall be unlawful for any person maintaining, owning or operating an adult cabaret located within the City of Lebanon, Tennessee:

(1) To permit any dancer to fondle or caress any patron or to permit any patron to fondle or caress any dancer; or
(2) To permit dancing at any location which shall encourage the patrons to fondle or caress a dancer; or
(3) To permit any dancer to solicit any pay or gratuity from any patron.

No person who maintains, owns or operates an adult-oriented establishment shall permit specified sexual activities to occur on the premises. (Ord. #95-1325, §§ 5 and 6, July 1995)
9-705. **Zoning requirements.** (1) No adult-oriented establishment may begin to operate except within the confines of an M-3 zoning district as defined under the zoning laws of the City of Lebanon, pursuant to Ordinance No. 95-1286.

(2) No adult-oriented establishment shall be operated or maintained within one thousand (1,000') feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state licensed day care facility, public library, or private/public education facility which serves persons ages 17 years or younger, an elementary school, a high school, funeral parlor/home, a public park, or another adult-oriented establishment as defined herein. To determine the distance requirements under this section, said distance limitation shall be measured in a straight line from and to the nearest lot lines of the premises for the adult-oriented establishment and the lot lines of the above defined areas.

(3) No commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be so constructed, used, or operated for the purposes of high-risk sexual conduct as defined by "specified sexual activities"; and no commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be designed for or used to promote high-risk sexual conduct which could be conducive to the spread of Acquired Immune Deficiency Syndrome (AIDS), and any commercial building or structure which is constructed or used for such activities shall be in violation of this chapter.

(4) To promote the health, safety and welfare of all persons in the City of Lebanon, no person shall occupy any commercial building, structure, or premises, or portion or part thereof which fails to comply with the following requirements:

(a) For the prevention of the spread of sexually-transmitted disease, no partitions between subdivisions of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activities or contact, between persons on either side of the partition.

(b) No booths, stalls, or partition portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partition portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of adult-oriented entertainment, are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered adult-oriented entertainment.
(c) No commercial building, structure or premises shall be so constructed that private rooms or accommodations can be offered to patrons of that business operated therein if:
   (i) the building structure or premise is in violation of this chapter; and
   (ii) the building, structure or premises is not a validly operating hotel, motel, apartment complex or condominium. (Ord. #95-1325, §§ 7, 8, 9 and 10, July 1995)

9-706. Operation. During the operation of an adult-oriented establishment, where booths or cubicles are employed, only one individual shall occupy a booth, room or cubical at any one time. No occupant of a booth, room or cubical shall engage in any type of sexual activity which may cause any bodily discharge or litter while in the booth. The owner and operator of the adult-oriented establishment shall maintain the premises in a clean and sanitary manner at all times. (Ord. #95-1325, § 11, July 1995)

9-707. Fines. (1) Any person violating this chapter shall commit an offense against the City of Lebanon, Tennessee, and upon conviction shall be fined under appropriate state law, or shall be fined for a conviction within the City Court of Lebanon, Tennessee, with the maximum fine allowed by law. Each day such violation shall continue shall constitute a separate offense and be subject to the maximum fine. This chapter does not apply to any theatrical production which is performed in a theater by a professional or amateur theatrical or musical company and which has serious artistic merit, or to any other actions which are construed to have serious artistic merit. Furthermore, nothing in this ordinance shall be construed to infringe upon or to violate the First Amendment of the United States Constitution or any provisions of the Constitution of the State of Tennessee.

(2) Any real property found to be in violation of the requirements stated in this chapter may also be subject to an order of closure, and/or cease and desist, by chancery court action seeking injunctive relief to enforce the provisions of this law. (Ord. #95-1325, § 12 and 13, July 1995, and amended by Ord. #98-1780, Aug. 1998)
CHAPTER 8

TREE TRIMMERS, CUTTERS, SPRayers, AND STUMP GRINDERS

SECTION

9-801. License required--fee. No person, firm, association, or corporation shall engage in the business of tree trimming, tree cutting, tree spraying or stump grinding for a fee within the corporate limits of the city, without first having obtained a license from the city clerk's office. The fee for such license shall be $50.00 per year. (as added by Ord. #99-1962, § 1, July 1999)

9-802. Insurance prerequisite to issuance. Before such license shall be issued by the city, the applicant for such license must file and deposit with the city clerk a policy of insurance issued by an insurance company authorized to do business in the State of Tennessee, which insurance policy so issued shall provide liability insurance coverage for property damage, personal injury or death in an amount of not less than $100,000.00. The insurance policy shall be effective whether the tree service at the time of any accident was being performed by the licensee, his agent, servant, or employee. Such policy shall carry an endorsement providing for actual notice to the city of any changes thereof. The insurance policy shall further provide that it cannot be cancelled until fifteen days written notice has been filed with the city clerk. Such license shall be automatically revoked upon receipt of cancellation of such insurance policy. (as added by Ord. #99-1962, § 2, July 1999)

9-803. Terms. (1) Each license issued under this chapter shall be valid for one (1) year after it due date of insurance, unless it is revoked for cause by the commissioner of finance and revenue. Substantial violation of applicable city ordinances, substantial violation of state law, or substantial damage to persons, property, or wildlife shall constitute cause for revocation of such license, after notice and opportunity for a hearing as provided in section 9-804 herein.

(2) The time for removal of tree cuttings, limbs, trunks, branches, twigs, grindings, spray containers and spray apparatus, by commercial tree
trimmers after completion of the work, is seventy-two hours when such work is performed under normal weather and environmental conditions; and further, the removal of such debris is extended for a reasonable period of time beyond the seventy-two hour period in the event of a natural disaster such as tornado, flood, earthquake and like circumstances; and further, all such materials shall be transported and properly disposed of in an environmentally safe manner. (as added by Ord. #99-1962, § 3, July 1999, and amended by Ord. #99-1998, Sept. 1999, modified)

9-804. Revocation hearing--appeal. In the event it is determined that a license should be revoked for violation of any of the provisions of this chapter, a written notice of the intent to revoke the license, setting forth the reasons for such action, shall be sent to the licensee by certified mail, return receipt, and the licensee shall have the right to request a hearing upon the issue of revocation, provided such request is made in writing within fifteen (15) days following receipt of said notice. The hearing provided for in this part shall be conducted before the commissioner of public works within fifteen (15) days after the date of the return receipt of said notice. The procedures of such hearing shall be in accordance with those prescribed by the commissioner to assure due process of law. The commissioner shall forward his factual findings and recommendations to the commissioner of finance and revenue, under whose authority such licenses are issued and may be revoked, suspended, or denied for just cause. The commissioner of finance and revenue shall issue a decision within seven (7) working days of his receipt of such written report. Such decision shall be final unless appealed to the city court within thirty (30) days thereafter by any party adversely affected by such decision. Such appeal to the city court shall not be de novo, but shall be limited to a review of the record of the hearing at the city administrative level. (as added by Ord. #99-1962, § 4, July 1999)

9-805. Application after revocation. Whenever revocation of a license has become final, the holder of the revoked license may make written application to the city clerk for a new license, and the clerk shall issue a new license upon proof of compliance with the provisions of this chapter. (as added by Ord. #99-1962, § 5, July 1999)

9-806. Penalty. Any person, firm or corporation violating any provision of this chapter shall be fined not less than five ($5.00) dollars nor more than five hundred ($500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (as added by Ord. #99-1962, § 6, July 1999)

9-807. Exceptions. Any individual who trims, cuts, sprays, or grinds trees or his own property shall not be deemed to be engaged in the business as
a professional service and shall not be subject to the license requirements set forth herein. (as added by Ord. #99-1962, § 7, July 1999)
CHAPTER 9

AUTOMATIC AMUSEMENT DEVICES

SECTION
9-901. Definition.
9-902. License--fee.
9-903. Issuance.
9-904. Devices to be kept in plain view--gambling devices prohibited.
9-905. Inspection.
9-906. Revocation--civil penalty.
9-907. Exemptions.
9-908. Severability.

9-901. Definition. The term "mechanical amusement device" is hereby defined to be each machine which, upon the insertion of a coin, trade-token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade-tokens or slugs, or which makes no provision whatever for the return of money to the player. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-902. License--fee. It shall be unlawful for any person, firm, corporation, limited liability company, or partnership to install, operate or maintain any such mechanical amusement device without having first obtained a license therefor. Applications shall be made to the city business tax clerk. The fee for such licenses shall be fifty dollars per year or any portion of a year. The license period shall be the same as the calendar year. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-903. Issuance. No license shall be issued to a person who has a prior conviction of GAMBLING ref Tennessee Code Annotated, §§ 39-17-501 to 39-17-509. Upon approval of the applicant and payment of the license fee, the city clerk shall issue a permit bearing the notation, City of Lebanon License for the calendar year _____. One license shall be issued for each mechanical amusement device licensed, and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-904. Devices to be kept in plain view--gambling devices prohibited. All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such mechanical amusement devices are kept or used. All such devices may be operated only during normal business hours of said establishment.
Nothing in this section shall be construed to authorize, permit or license any gambling device of any nature whatsoever. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-905. **Inspection.** The chief of police or his duly authorized designee shall inspect or cause to be inspected any place or building in which any such mechanical amusement device or devices are stored, operated or set up for operation, and to inspect, investigate and test such devices, as often as he may deem necessary. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-906. **Revocation—civil penalty.** In addition to any other penalty imposed by state law governing such devices, the commissioner of finance may revoke such license for any violation of this chapter, article or ordinance, or of any ordinance pertaining to the conduct of such business; and, in addition the city judge may impose a civil penalty not to exceed two hundred fifty dollars plus court cost for the first violation and five hundred dollars for each violation thereafter. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-907. **Exemptions.** The City of Lebanon has a number of businesses that provide entertainment to children. There are numerous games designed to be operated for the amusement of children on mechanical amusement devices. These particular devices upon inspection of the chief of police or his authorized designee shall be declared exempt from this chapter and a notice stating such shall be placed on the device. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)

9-908. **Severability.** Each section, subsection, paragraph, sentence, and clause of the ordinance to regulate automatic amusement devices in the City of Lebanon, Tennessee is hereby declared separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in Ordinance No. 99-1904 shall not affect the validity of any other portion of said ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (Ord. #99-1904, Feb. 1999, as replaced by Ord. #99-1945, June 1999)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.
3. PARK PROPERTY.

CHAPTER 1

IN GENERAL

SECTION
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, etc., to be provided.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Cruel treatment prohibited.
10-108. Seizure and disposition of animals.
10-109. Inspections of premises.
10-110. Sale or gifting of animals.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, animal, 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. (1968 code, § 3-101, as replaced by Ord. #97-1608, June 1997, and Ord. #09-3627, Jan. 2010)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the director of codes enforcement, except that swine, hogs, or pigs shall be governed by § 10-107 below. The director of codes enforcement shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for

Charter reference: Particularly Art. II, § 1 (19) and (33).
the permit will not injuriously affect the public health.  (1968 code, § 3-102, modified, as replaced by Ord. #97-1608, June 1997)

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.  (1968 code, § 3-103, as replaced by Ord. #97-1608, June 1997)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.  (1968 code, § 3-104, as replaced by Ord. #97-1608, June 1997)

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.  (1968 code, § 3-105, as replaced by Ord. #97-1608, June 1997)

10-106. **Cruel treatment prohibited.** It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl.  (1968 code, § 3-106, as replaced by Ord. #97-1608, June 1997)

10-107. **Hogs prohibited.** It shall be unlawful for any person to keep swine, hogs, or pigs within the corporate limits of Lebanon, Tennessee.  (1968 code, § 3-107, as replaced by Ord. #97-1608, June 1997)

10-108. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the director of codes enforcement or by any police officer and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be run one time in a local newspaper or posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or it will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.
The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1968 code, § 3-108, as replaced by Ord. #97-1608, June 1997)

10-109. **Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the director of codes enforcement, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1968 code, § 3-109, as replaced by Ord. #97-1608, June 1997)

10-110. **Sale or gifting of animals.** It shall be unlawful for any person to display in public places within the city limits cats, dogs, or other domestic animals for the purpose of giving them away or selling them. Public places shall include, but not be limited to, shopping centers, storefronts, street corners, and sidewalks. This provision shall not apply to licensed dealers under Tennessee Code Annotated, § 44-17-101, et seq., at their place of business, or to New Leash on Life, formerly known as Humane Association of Wilson County, Lebanon Animal Control offering animals for adoption in compliance with Tennessee law, or any other legally recognized non-profit entity organized pursuant to IRS Code 501(c)(3) whose primary purpose is the caring of and adoption of animals. Nothing in this section shall prevent a person from selling or giving away cats, dogs, or other domestic animals owned by that person from their own residence or place of business. (as added by Ord. #09-3523, May 2009)
CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure and disposition of dogs.
10-208. Enforcing officer.
10-209. Penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Sections 68-8-101 to 68-8-114, Tennessee Code Annotated) or other applicable law. (1968 code, § 3-201, as replaced by Ord. #97-1608, June 1997)

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. (1968 code, § 3-202, as replaced by Ord. #97-1608, June 1997)

10-203. Running at large prohibited. 1 (1) Running at large defined. A dog is running at large if it is found upon the premises of another (without permission of the property owner), a highway, public road, street, alley or other public property while unsupervised or uncontrolled by the owner.
(2) 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. (1968 code, § 3-203, as amended by ord. 90-769, as replaced by Ord. #97-1608, June 1997)

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 the dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1968 code, § 3-204)

1State law reference
10-205. **Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1968 code, § 3-205, as replaced by Ord. #97-1608, June 1997)

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 director of codes enforcement or chief of police may cause the dog to be confined or isolated for such time as he deems reasonably necessary to determine if the dog is rabid. (1968 code, § 3-206, as replaced by Ord. #97-1608, June 1997)

10-207. **Seizure and disposition of dogs.** Any dog found running at large may be seized by the rabies control officer, the director of codes enforcement, any police officer or any person designated by the City of Lebanon as dog catcher and placed in a pound provided by the City of Lebanon. All dogs shall be held for five (5) days and, if not redeemed, shall be humanely destroyed or sold. If identified, the owner shall be notified in person, by telephone, or by a post card addressed to his last-known address to appear within five (5) days and redeem the dog by paying a pound fee of $50.00 or the dog will be humanely destroyed or sold. No dog shall be released in any event from the pound until the pound fee of $50.00 has been paid.

When, because of its viciousness or apparent infection with rabies or other similar dangerous disease, a dog found running at large cannot be safely impounded, it may be summarily destroyed by or at the direction of the rabies control officer, the director of codes enforcement, any police officer or any person designated by the City of Lebanon as dog catcher. (1968 code, § 5-207, as amended by ord. 77-44, § 1, as replaced by ord. 90-769, as replaced by Ord. #97-1608, June 1997)

10-208. **Enforcing officer.** The provisions of chapters 1 and 2 of this title shall be administered and enforced by a rabies control officer appointed by the director of codes enforcement, who shall have the authority and the power to enforce all the provisions of chapters 1 and 2 of this title. This power and authority is concurrent with the general police power vested in the police officers and the director of codes enforcement. (Ord. 77-443, § 2, as replaced by Ord. #97-1608, June 1997)

10-209. **Penalty.** Any person, firm, or corporation violating any section of chapters 1 and 2 of this title shall be guilty of a misdemeanor and subject to a fine under the general penalty clause for this code. (Ord. 77-443, § 2, as replaced by Ord. #97-1608, June 1997)
CHAPTER 3

PARK PROPERTY

SECTION
10-301. Animal control - ballparks and community park.
10-303. Cedar City Trail.
10-305. Exception - disabled persons.
10-306. Penalty.

10-301. **Animal control - ballparks and community park.** It shall be unlawful for any person owning or being in charge of any dog, cat, or other pet to bring or allow the subject animal to occupy the ball field premises, bleachers, or parking lots of the ball field property owned and operated by the City of Lebanon, including but not limited to the property located at Baird Park and Hobbs Field, or any other community park property, including but not limited to the property known as the Don Fox Community Park. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-302. **Animal control - Don Fox Community Park.** It shall be unlawful for any person owning or being in charge of any dog, cat or other pet to allow said animal to enter into or about the premises of the Don Fox Community Park. Any dog, cat or other pet occupying or going onto the premises known as the Don Fox Community Park shall be deemed to be a violation of this prohibition and the owner or person in control of said pet shall be subject to the penalty of a fine as defined herein. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-303. **Cedar City Trail.** It shall be lawful for the owner or person in control of a dog, cat or other pet to walk along and on the portion of the Cedar City Trail from the eastern boundary of the Don Fox Community Park to the eastern limit of the Cedar City Trail, so long as said pet is on a leash. However, any dog, cat or other pet occupying or going onto the premises known as the Cedar City Trail, shall be at all times under the control of the owner or person in charge of the subject animal, and any animals which have a propensity to biting activity shall be muzzled while on the premises known as the Cedar City Trail. It shall be unlawful for any person owning or being in charge of any dog, cat or other pet to allow said animal to walk along the paved or walking trail located in the Don Fox Community Park, except a person coming or going to and from the parking lot of the Community Park to the Cedar Trail may come upon the grounds of the Don Fox Community Park for the express purpose of gaining
access to and from the Cedar City Trail. Nothing under this provision concerning access to the Cedar City Trail shall be construed to allow a pet owner to bring his or her pet onto the walking trail which circles the Community Park. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-304. **Animal waste disposal.** It shall be unlawful for any person owning or being in charge of any dog, cat or other domestic pet to allow the subject pet to deposit animal waste on any park property or other public property, and any person in control of a pet or animal occupying said premises shall be responsible for promptly cleaning and removing any animal waste from the subject premises or be subject to penalty under the provisions of this chapter. Any pet owners traveling along the Cedar City Trail which extends from the eastern edge of the Don Fox Community Park to the eastern portion of the City of Lebanon, shall comply with the provisions of animal waste disposal stated herein. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)

10-305. **Exception - disabled persons.** Notwithstanding any other provisions of this law to the contrary, nothing in this title and section shall be construed to prevent a person protected under the provisions of the Americans with Disabilities Act (ADA) from using a service animal as defined by the ADA. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995; and amended by Ord. #05-2839, Jan. 2006)

10-306. **Penalty.** Any person, firm or corporation violating any section of chapter 3 of this title shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollars ($50.00) for each violation thereof. (as added by Ord. #95-1371, §§ 1 and 2, Nov. 1995)
CHAPTER
1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. GAMBLING.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE.
9. JUVENILE CURFEW.
10. MISCELLANEOUS OFFENSES.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Certain misdemeanors under state law. All offenses against the State of Tennessee which are defined by state law to be misdemeanors punishable by a fine of fifty dollars ($50.00) or less and confinement for a period of thirty (30) days or less are hereby designated and declared to be violations of the laws and ordinances of the City of Lebanon and any such violation is also a violation of this section. (1968 code, § 10-101; as replaced by Ord. #05-2725, April 2005)

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1Municipal 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.

2State law reference
CHAPTER 2

ALCOHOL\(^1\)

SECTION
11-201. Public drunkenness.
11-202. Drinking alcoholic beverages in public, etc.
11-203. Minors in beer places.
11-204. Restrictions on bottles of liquor and wine.
11-205. Penalty for allowing brown bagging.

11-201. **Public drunkenness.** See Tennessee Code Annotated, § 39-17-310; see also title 33, chapter 8.

11-202. **Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place, unless place has an appropriate permit for on premises consumption. (1968 code, § 10-229, modified)

11-203. **Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1968 code, § 10-222, modified)

11-204. **Restrictions on bottles of liquor and wine.** No person shall bring a bottle of liquor or wine for the purpose of consumption of said product, upon the premises of any establishment licensed to sell liquor by the drink within the city limits of Lebanon, Tennessee. The subject establishment is authorized by the Alcoholic Beverage Commission of the State of Tennessee to legally sell liquor by the drink, and there is no need or purpose to allow patrons to bring their own bottles of liquor or wine onto the licensed premises.

Any person bringing a bottle or container of liquor or wine onto the premises of a business which is legally authorized to sell liquor by the drink, shall be presumed to have brought said container or bottle onto the premises for the purpose of consumption, unless the person is a sales person or delivery

\(^1\)Municipal code reference

Sale of alcoholic beverages, including beer: title 8.
Open containers: section 11-1002.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication). Cities may not pass separate legislation).
person involved in the sale of liquor as allowed by the Alcoholic Beverage Commission of the State of Tennessee. Any person violating this section shall be subject to a fine of fifty dollars ($50.00) plus court costs. (as added by Ord. #95-1299, § ___, May 1995)

11-205. **Penalty for allowing brown bagging.** Any person or establishment which is licensed to sell liquor by the drink within the city limits of Lebanon, Tennessee shall not allow persons to bring liquor or wine onto its premises for the purpose of consumption, and said person or organization shall take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises since the organization or person has the right to sell liquor by the drink under the direction of the Alcoholic Beverage Commission of the State of Tennessee. Any person or organization violating this section shall be fined the sum of fifty dollars ($50.00) for each event of "brown bagging" which occurs on their premises. Furthermore, any organization or establishment which violates this requirement shall be subject to losing its license for the sale of "liquor by the drink" or shall be subject to having the City of Lebanon refuse to authorize the renewal of said license. Any person or organization licensed to sell liquor by the drink within the city limits of Lebanon, Tennessee who promptly reports to the police the bringing of bottles or containers of liquor or wine onto their premises shall be presumed to be in compliance with the law. Likewise, any person or organization which fails to promptly notify the Police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law. (as added by Ord. #95-1299, § 2, May 1995)
CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-402. Miscellaneous prohibited noises enumerated.
11-403. Penalty for violation for anti-noise regulations.

11-401. Commercial, industrial and business anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, unnecessary commercial, industrial or business noise which causes material distress or discomfort or injury to persons of ordinary sensibility in the immediate vicinity thereof is hereby declared to be unlawful under the provisions stated herein and is hereby prohibited.

(1) Determination of unreasonably loud noise. For the purpose of determining and classifying any commercial or industrial noise as unreasonably loud, the following procedures and test measurements, and requirements shall be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five (25') feet from the noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, the noise measurement shall be taken at least twenty-five (25') feet from the property line of the property on which the noise source is located.

(b) The noise shall be measured on the "A" weighing scale on a sound level meter of standard design and quality and properly calibrated.

(c) For purposes of this chapter any measurements made with a sound level meter shall be made when the wind velocity at the time and place of such sound measurement shall not be more than five (5) miles per hour, or twenty-five (25) miles per hour if the measurement is taken with the assistance of a wind screen.

(d) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the other noises of the environment and shall consider all noise sources at the time and place of the sound level measurement.

(e) Notwithstanding any other provisions to the contrary, no person or organization shall cause, suffer, allow or permit sound from any source which, when measured at the point of the annoyance as stated herein, is in excess of the decibel readings listed on the chart below:
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(2) **Exceptions.** None of the prohibitions hereof shall apply to or be enforced against:

(a) **Utility vehicles.** Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

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

(c) **Non-commercial and non-private use of loudspeakers and amplifiers.** Reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by non-profit organizations are exceptions, however, no such use shall be made until a permit therefor is secured from the chief of police. The hours for the use of amplified or public address systems by the nonprofit organization will be designated in the permits and the use of said systems shall be restricted to the hours designated.

(d) **Any person or organization operating under a temporary or permanent permit which has been issued under the provisions of this section.** A person may apply for a noise exception permit by submitting an application to the Chief of Police for the City of Lebanon upon approved application forms. The application shall denote the time and place of the proposed noise generator, the source of the noise and the purpose for requesting the permit. Two types of permits may be issued
by the chief of police, after consultation with the city engineer: A
temporary permit which expires five (5) days after issuance and which
is for a specific time and place of operation, or a permanent permit which
applies to a permanent location where good cause is shown for the source
of sound to exceed the proposed limits stated herein and the chief of
police in consultation with the city engineer has determined that no
threat to public safety or annoying nuisance shall occur from the issuance
of the subject permit. A temporary permit may be issued by the chief of
police upon proper application without city council approval. A
permanent permit may be issued upon application to the chief of police.
(1968 Code, § 10-234, as replaced by Ord. #95-1382, Nov. 1995, and
amended by Ord. #02-2318, March 2002)

11-402. Miscellaneous prohibited noises enumerated. (1) The
following acts, among others, are declared to be loud, disturbing, and
unnecessary noises in violation of this section, but this enumeration shall not
be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device
on any automobile, motorcycle, bus, streetcar, or other vehicle while in
motion, except as a danger signal if another vehicle is approaching,
apparently out of control, or if in motion only as a danger signal after or
as brakes are being applied and deceleration of the vehicle is intended;
the creation by means of any such signal device of any unreasonably loud
or harsh sound; and the sounding of such device for an unnecessary and
unreasonable period of time.

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

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

(d) Pets. The keeping of any animal, bird or fowl which by
causing frequent or long continued noise disturbs the comfort or repose
of any person in the vicinity.
(e) **Use of vehicle.** The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

(g) **Noises near schools and places of assembly.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.

(h) **Loading and unloading operations.** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers during the hours of 11 P.M. to 7:00 A.M.

(i) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

(j) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(k) **Loud sound amplification systems in vehicles.** (i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(iii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
(A) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
(B) The vehicle was an emergency or public safety vehicle;
(C) The vehicle was owned and operated by the City of Lebanon, or a utility, gas, electric, communications, or refuse company; or
(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Wilson County Fair, or any activities at the James E. Ward Agricultural Center, and other activities which have the approval of the city council or a department of the city authorized to grant such approval.

(2) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.
(b) Repair of streets or public ways. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Wilson County, or the State of Tennessee, during the night season when the public welfare and convenience renders it impossible to perform such work during the day.
(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the court of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the chief of police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designed in the permit.
(d) Use of loudspeakers or amplifiers for auctions: permits. No person shall use loudspeakers or amplifiers to conduct auctions unless he or she first obtains an annual permit therefor. Permits for the use of loudspeakers or amplifiers shall be obtained from the chief of police. Each permit shall be valid for one year. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designed in the permit. Operators of loudspeakers or amplifiers for the purpose of conducting auctions shall not violate city ordinance provisions concerning noise pollution. (as added by Ord. #02-2318, March 2002)
11-403. **Penalty for violation for anti-noise regulations.** Any person or organization violating the anti-noise regulations described in this section shall be subject to a fine of not more than fifty dollars ($50.00) for each noise or sound prohibition which has occurred. In addition, if the sound or noise prohibitions continue after being cited to court on at least three (3) occasions, the City of Lebanon may declare the subject noise or sound source as a public nuisance and is hereby authorized to proceed to obtain injunctive relief against the subject nuisance in the Chancery Court of Wilson County, Tennessee. Upon the successful prosecution of a public nuisance cause based upon the anti-noise regulations stated herein, the violator shall be subject to any injunctive relief granted by the chancery court and shall also be subject to the payment of all costs of prosecution by the City of Lebanon, including but not limited to reasonable attorney's fees. For purposes of establishing a public nuisance concerning the anti-noise regulations stated herein, the violations on three (3) separate occasions shall have occurred within a period of ninety (90) days. (as added by Ord. #95-1382, Nov. 1995, and renumbered by Ord. #02-2318, March 2002)
CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

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

11-501. **Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1968 code, § 10-209)

11-502. **Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1968 code, § 10-211)

11-503. **False emergency alarms.** It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1968 code, § 10-217)
CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.
11-604. Handguns prohibited on city properties.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1968 code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1968 code, § 10-214)

11-603. Discharge of firearms. (1) General prohibition. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits.

(2) Exception. The foregoing prohibition shall not apply to organized shooting ranges approved by either the Wilson County Sheriff's Department or the Lebanon Police Department nor shall said section apply to sportsmen hunting with shotguns in areas of the City of Lebanon that were agricultural when annexed and remain so, and not within five hundred feet of the residence or out-building of another. (1968 Code, § 10-212, modified, as amended by ord. 92-945)

11-604. Handguns prohibited on city properties. Because of the overly broad, vague, and confusing language of Tennessee Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, the City of Lebanon desires to clarify resolution No. 09-1439 specifically stating that the carrying of handguns by persons authorized to carry handguns pursuant to Tennessee Code Annotated, § 39-17-1351 shall continue to be prohibited within the following City of Lebanon properties:

(a) Don Fox Park, including the track around the park;
(b) Veteran's Field and all of its associated sports facilities;
(c) Baird Park and all of its associated sports facilities;
(d) Hobbs Park and all of its associated sports facilities;
(e) The soccer fields located at the Lebanon Municipal Airport;
(f) Lebanon City Hall;
(g) Lebanon Police Department;
(h) Lebanon Public Works buildings, including the gas department/public safety building;
(i) The Greer Building;
(j) The Jimmy Floyd Family Life Center, including the pool, picnic, and recreational areas, but not the walking trail adjoining this property; and
(k) Any other areas that the city may designate by proper ordinance in the future by the posting of the signage described in subsection (3), below.

(2) The carrying of handguns by persons authorized to carry handguns pursuant to Tennessee Code Annotated, § 39-17-1351 shall be permitted within the following City of Lebanon properties:
   (a) Any City of Lebanon owned or maintained walking trail, except for the portion of the trail circling and part of Don Fox Park;
   (b) City of Lebanon Farmer's Market;
   (c) Any City of Lebanon owned or maintained cemetery;
   (d) Any City of Lebanon owned or maintained property not specifically mentioned in subsection (1) of this section, unless restricted pursuant to the provision of subsection (1)(k).

(3) The City of Lebanon shall display signs in prominent locations about the properties listed in subsection (1), above, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS ($2,500) FOR CARRYING WEAPONS ON OR IN THIS CITY OF LEBANON BUILDING OR RECREATIONAL PROPERTY

(as added by Ord. #09-3581, Sept. 2009)
CHAPTER 7
TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

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

11-701. Trespassing.1 (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.
   (b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.
(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.
(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail

1State law reference
Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-14-405.

Municipal code reference
See also: section 11-1006.
to promptly leave the private premises of any person who requests or directs him to leave.\(^1\) (1968 code, § 10-227, modified)

**11-702. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1968 code, § 10-225)

**11-703. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1968 code, § 10-233)

\(^1\)Municipal code reference

CHAPTER 8

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE

SECTION
11-801. Abandoned refrigerators, etc.
11-802. Caves, wells, cisterns, etc.
11-803. Posting notices, etc.
11-804. Educational awareness program.
11-805. Prohibition of any spray paint or glue bearing the Federal Harmful Vapors label.
11-806. Smoke-free environment.

11-801. **Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1968 code, § 10-221)

11-802. **Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1968 code, § 10-232)

11-803. **Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1968 code, § 10-227)

11-804. **Educational awareness program.** The Mayor of the City of Lebanon, the Commissioner of Finance, and the Chief of Police, along with the advice and counsel of the members of the City Council, shall establish and formulate an Educational Awareness Program for those persons who have not attained the age of eighteen (18) years, as well as, all other persons within the City of Lebanon, which program shall accomplish, the following:

1. Promote an awareness campaign entitled "STOP THE HUFFING" to educate those persons who have not attained the age of eighteen (18) years, as well as, all other persons within the City of Lebanon as to the potential health hazards as to the smelling and inhaling of the substances as herein set forth.

2. Encourage the participants in the Lebanon "DARE" program to recognize the potential health hazards as to the illegal use of such substances.
(3) Establish a reasonable merit or reward program to encourage all persons to inform authorities concerning the illegal use of such substances. (Ord. #97-1634, July 1997)

11-805. Prohibition of any spray paint or glue bearing the Federal Harmful Vapors label. (1) It is unlawful for any person to sell, offer to sell, deliver or give away to any person who has not attained the age of eighteen (18) years any tube or other container of spray paint or glue bearing the Federal Harmful Vapors label.

(2) It is unlawful for any individual who has not attained the age of eighteen (18) years to purchase, accept, possess, distribute for use or use any spray paint or glue bearing the Federal Harmful Vapors label. This part shall not be deemed to prohibit individuals who have not attained the age of eighteen (18) years from handling such substances when working in the course and scope of employment for merchants who deal in or use such substances. This part shall not be deemed to prohibit individuals who have not obtained the age of eighteen (18) years from handling such substances under the guidance and supervision of a parent or responsible adult.

(3) It is unlawful for any person, for the purpose of violating subsection (1) to persuade, entice, send or assist a person who has not attained the age of eighteen (18) years to purchase, acquire, receive or attempt to purchase, acquire or receive any substance as herein set forth. This section shall not be deemed to preclude law enforcement efforts involving the use of individuals under eighteen (18) years of age if a parent of the individual consented to this action.

(4) Proof of age of purchaser shall be required by seller, prior to the sale of any substance or product containing such substance as enumerated herein. "Proof of age" means a driver's license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid. Any person who has not attained the age of eighteen (18) years who presents identification pursuant to this subsection other than his own or which does not contain the individual's correct age or date of birth is subject to juvenile court proceedings. A person does not violate subsection (1) or subsection (3) herein if the person to whom the restricted spray paint or glue was sold, offered, delivered, or given, presented an apparently valid proof of age.

(5) As used in this section, "glue and paint" means any spray paint or glue bearing the Federal Harmful Vapors label.

(6) Nothing contained in this section shall be considered applicable to the sale of a hobby or model kit containing as a part thereof a tube or other container of glue, nor shall this section be considered applicable to the sale of a tube or other container of glue immediately in conjunction with the sale of a hobby or model kit requiring the use of approximately such quantity of glue for the assembly of a model. Nothing contained in this section shall be applicable
to the transfer of a tube or other container of glue from a parent to his own child, or from a guardian to his own ward.

(7) A person who disseminates substances as herein set forth shall prominently display in the place where such items are disseminated, a legible printed sign or decal, at least two inches (2") by six inches (6") in size which shall read, as follows:

"A PERSON LESS THAN EIGHTEEN (18) YEARS OF AGE WHO PURCHASES, ATTEMPTS TO PURCHASE, OR OFFERS TO PURCHASE SPRAY PAINT OR GLUE BEARING THE FEDERAL HARMFUL VAPORS LABEL IS SUBJECT TO A FINE OF $50.00, ATTENDANCE AT AN AWARENESS PROGRAM, AND/OR JUVENILE COURT PROCEEDINGS.

A PERSON WHO SELLS OR OFFERS TO SELL TO A PERSON LESS THAN EIGHTEEN (18) YEARS OF AGE, SPRAY PAINT OR GLUE BEARING THE FEDERAL HARMFUL VAPORS LABEL IS SUBJECT TO A FINE OF $50.00 AND/OR PROHIBITION FROM SELLING SUCH SUBSTANCES FOR A PERIOD OF ONE (1) YEAR."

(8) An individual who has not attained the age of eighteen (18) years who violates this section is subject to a fine of $50.00 and shall attend an awareness program designed for those that violate this section and/or shall be subject to juvenile court proceedings.

(9) An individual who has attained the age of eighteen (18) years who violates this section commits a misdemeanor punishable by a fine of $50.00. Any individual who is convicted of violating this section on three (3) separate occasions within a period of twelve (12) months shall be prohibited from selling such substances as herein set forth for a period of one (1) year from the date of the last conviction. The owner of a store at which such substances are sold at retail and the proprietor of the establishment shall also be deemed guilty of a violation of this section if such owner or proprietor knowingly permits an employee to violate subsection (1) while working at the store of the owner or proprietor, and upon conviction shall be fined $50.00 for each separate occasion. Any store owner or proprietor who is found guilty of violating this section on three (3) separate occasions shall be prohibited from selling such substances as herein set forth for a period of one (1) year from the date of last conviction.

(10) As used in this section, unless the context otherwise requires, "person" means any individual, firm, fiduciary, partnership, corporation, trust, or association. (Ord. #97-1634, July 1997)

11-806. **Smoke-free environment.** (1) That the public buildings owned and/or leased by the City of Lebanon shall be and are hereby designated
as "smoke-free" areas, except for those specified area which are posted and designated as a smoking area by the mayor after consultation with the department head.

(2) That the mayor, commissioner of finance and commissioner of public works shall designate smoking areas in the subject public buildings as stated herein and shall provide the proper signage to designate said areas.

(3) That no smoking shall be allowed in the City of Lebanon public buildings, except as otherwise specifically designated, and any smoking which occurs in violation of this chapter shall be deemed to be a violation of the Lebanon Municipal code, and shall be subject to a citation. (Ord. #97-1626, June 1997)
CHAPTER 9

JUVENILE CURFEW

SECTION
11-901. Title.
11-902. Definitions.
11-903. Restrictions.
11-904. Exceptions.
11-905. Enforcement.
11-906. Construction of severability.
11-907. Continuing evaluation.
11-908. Effective date.
11-909. Notice.
11-910. Ordinance cumulative.

11-901. Title. This chapter shall be known as the "Juvenile Curfew Ordinance." (as added by Ord. #94-1215, Dec. 1994)

11-902. Definitions. For purposes of this chapter the following terms, phrases, or words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Lebanon, Tennessee.
(2) "Minor" or "Juvenile" is any unemancipated person under the age of eighteen (18) or in equivalent phrasing often herein employed, any person seventeen (17) years or less.
(3) "Parent" is any person having legal custody of a minor
(a) as a natural or adoptive parent;
(b) as a legal guardian; or
(c) as a person to whom legal custody has been given by order of the court.
(4) "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, and/or public parking areas, including the congregation of groups (or of interacting minors) totalling three or more persons in which any minor involved would not be using the streets or parking lots for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exemptions are expressly defined in section 11-903 herein, so this is not a mere prohibitory or presence type curfew ordinance.
(5) "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel.
(6) "Time", whether Central Standard Time or Central Daylight Savings Time, is the time generally observed at that hour by the public in the
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city, prima facie the time when observed in the city administration offices and police department.

(7) "Year of age" continues from one birthday, such as the seventeenth, to (but not including the day of) the next, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age," unless specifically defined differently herein.

(8) "The police department" shall refer to the Police Department of the City of Lebanon, Tennessee.

(9) "Public place" shall refer to any street, alley, avenue, highway, road, curb area sidewalk, park, playground, public parking lot, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above described areas.

(10) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(11) "Serious bodily injury" means bodily injury that creates a substantial risk of death or impairment of the function of any bodily member or organ. (as added by Ord. #94-1215, Dec. 1994)

11-903. Restrictions. It shall be unlawful for any minor under eighteen (18) years of age to remain in or upon any public place within the city during the time period ending at 5:00 a.m. and beginning at 11:00 p.m., Sunday through Thursday, and during a period ending at 5:00 a.m. and beginning at 12:00 midnight, Friday and Saturday, except under the exceptions stated herein.

It shall further be unlawful for a parent of a minor to knowingly permit or by inefficient or insufficient control to allow such minor to be or remain in any public place within the city under circumstances in violation of this chapter and not constituting an exception to, or otherwise beyond the scope of, this curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended that the requirements of this chapter shall keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child. (as added by Ord. #94-1215, Dec. 1994)

11-904. Exceptions. It shall be a valid exception to the operation of the curfew if the minor was:
(1) at any time, accompanied by his or her parent;
(2) accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area; or
(3) legally employed, for the period from forty-five minutes after work, while going directly between his or her home and place of employment without any stop or detour. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come within this exception, the minor must be carrying a written statement of employment issued by the employer; or
(4) on the property of or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto if the owner of the adjacent building does not communicate an objection to the minor and the police officer;
(5) returning home by a direct route from (and within forty-five (45) minutes of the termination of) a school activity or an activity of a religious or other voluntary association or a place of public entertainment, such as a movie, play or sporting event. This exception will not apply beyond 1:30 a.m. If the event is not commercial in nature or does not have a fixed, public known time at which it will or does end, the sponsoring organization must register the event with the chief of police (or his assigned representative) at least 24 hours in advance informing the police department of the time such event is scheduled to begin the place at which it shall be held, and the approximate time at which it shall end and the name of the sponsoring organization;
(6) in the case of reasonable necessity, but only after such minor's parent has communicated to the police department personnel the facts established such reasonable necessity relating to specified streets at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the police record thereof, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor shall constitute evidence of qualification under this exception;
(7) exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech and the right of assembly;
(8) involved in an emergency, or
(9) married or had been married or had disability of minority removed in accordance with Tennessee law.

Each of the foregoing exemptions, and their several limitations, such as provisions for notification, are severable. (as added by Ord. #94-1215, Dec. 1994)
11-905. **Enforcement.** (1) A police officer of the city who has probable cause to believe that a minor is in violation of this chapter shall upon the first violation:

(a) ascertain the name and address of the minor;
(b) attempt to ascertain the name and address of the parent or parents of said minor;
(c) issue the minor a written warning that the minor is in violation of this chapter; and
(d) order the minor to go promptly home by a direct route; and
(e) attempt to issue a written notification, by mail, to the parent of said minor, giving the parent a notice of said warning citation; and
(f) cause the name and address of the minor to be lodged for a period of twelve (12) months thereafter with the police department for future reference in the enforcement of this curfew ordinance.

(2) Notwithstanding paragraph (1) of this section, a police officer who has probable cause to believe that a minor has received a prior written warning concerning a curfew violation and is in violation of this chapter, shall immediately transport the minor to the police department if:

(a) the minor during the past twelve (12) months has received one previous written warning for violation of this chapter; or,
(b) the officer has reasonable grounds to believe the minor has engaged in delinquent conduct;

When a minor is taken to the police department, the minor's parents shall be immediately contacted, if possible. If after this contact there is still probable cause to believe the minor was violating this chapter, the minor shall be held under protective custody until the parent comes to take the minor child home. When the parent arrives he or she shall be given a copy of this chapter. If no parent has arrived within one hour after taking the minor into protective custody, the officer shall take either of the following courses of action;

(a) serve the minor with an additional warning citation and later serve the parent of said minor with a citation to appear with the minor in city court concerning the violation of this chapter by the parent; or
(b) the minor may be turned over to the custody of the local juvenile authorities until a parent can be located and can take custody of him or her.

(3) In case of a second violation by a minor within twelve (12) months, the chief of police shall, by certified mail, send to the minor's parent written notice of said violation with a warning that any subsequent violation will result in a full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties. Said notice shall be sent to the minor's parent at his or her last known address and evidence of its mailing by certified mail shall constitute sufficient notice of the minor's violation.
(4) If after the mailing of the notice set forth in subsection (3) herein of a second violation by a minor, a parent violates section 11-903 (in connection with a third violation by a minor) this action shall be treated as an offense on behalf of the parent.

(5) For each first parental offense, a parent shall be fined twenty-five ($25.00) dollars, unless the court finds just cause for waiving the fine. For each subsequent offense by a parent, under this chapter, the fine shall not be less than fifty ($50.00) dollars.

(6) Jurisdiction for enforcement of warning citations against the minor and parental citations against the parent shall be in the City Court of Lebanon, Tennessee, however, action which requires legal steps against the minor (other than warnings) shall be enforced in the Juvenile Court of Wilson County, Tennessee. All fines against any parent for failure to have minors under their control pursuant to the conditions of this chapter may be enforced by the city court or any other court of competent jurisdiction. Juveniles brought before the city court on warning citations shall be informed as to the possibilities of juvenile court jurisdiction and enforcement for future activities which may be contrary to the conditions of this chapter. (as added by Ord. #94-1215, Dec. 1994)

11-906. Construction of severability. Severability is intended throughout and within the provisions of the curfew ordinance. If any provision including inter alia any exception, part phrase or term of the application to any person or circumstances is held invalid the application to other persons or circumstances shall not be affected thereby. The Mayor and City Council of Lebanon, Tennessee does not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. The Mayor and City Council of Lebanon, Tennessee does not intend to violate the Constitution of the State of Tennessee or the Constitution of the United States of America. (as added by Ord. #94-1215, Dec. 1994)

11-907. Continuing evaluation. The City Council of Lebanon, Tennessee will continue its evaluation and updating of this Curfew Ordinance through methods including, but not limited to:

Within six (6) months after the implementation of this chapter, the chief of police shall provide the city council with a report concerning the effect of this chapter on crimes committed by and against minors and of the number of warnings issued and arrest of minor and parents hereunder, and such other information as the city council may request.

After receipt of the police chief’s report to the city council, the mayor shall place this matter on the city council agenda for later discussion, review and continuing evaluation as the city council deems appropriate.
The police chief shall report at least annually to the city council as to the violations of this chapter.  (as added by Ord. #94-1215, Dec. 1994)

11-908. Effective date. This chapter shall be in full force and effect and shall be enforced thirty (30) days after its passage on final reading.¹ (as added by Ord. #94-1215, Dec. 1994)

11-909. Notice. The commissioner of finance shall provide notice of this chapter and of the curfew regulations established by it by having copies of this chapter posted in, on or about such public or quasi-public places as may be determined by the city council in order that the public may be constantly informed of the existence of the chapter and its amendments and regulations. In addition, the commissioner of finance shall cause a notice to be placed in a newspaper of general circulation giving an outline as to the terms and conditions of the subject chapter. (as added by Ord. #94-1215, Dec. 1994)

11-910. Ordinance cumulative. This chapter shall be cumulative and in addition to any other laws in force. (as added by Ord. #94-1215, Dec. 1994)

¹These provisions were taken from Ord. #94-1215 which passed second reading Dec. 6, 1994.
CHAPTER 10
MISCELLANEOUS OFFENSES

SECTION
11-1001. Loitering on the public square prohibited.
11-1002. Open containers of beer or alcoholic beverages prohibited.
11-1003. Littering.
11-1004. Posting of signs.
11-1005. Definition of loitering.
11-1006. Trespassing.

11-1001. Loitering on the public square prohibited. That on and after the passage of this chapter, during the hours of 9:00 p.m. through 4:00 a.m. on Sunday through Thursday or during the hours of 10:00 p.m. through 4:00 a.m. on Friday and Saturday night, no person or persons shall be allowed to sit in or congregate around automobiles or other vehicles on the public square of Lebanon, Tennessee in that area adjacent to the statue of General Hatton which is bounded by the street right-of-way that circles the square, unless a recognized or city sponsored public event is occurring during those hours. Any person or persons found to be sitting on the public square in the above described area, during the time stated, shall be requested to remove themselves and their vehicle from the subject area, and if the removal is not accomplished within a reasonable time, the person(s) shall be found in violation of this chapter and shall furthermore be found to be guilty of loitering. For purpose of this section, a reasonable time is a period of not more than five (5) minutes from receipt of the warning. (Ord. #94-1247, § 1, Dec. 1994)

11-1002. Open containers of beer or alcoholic beverages prohibited. (1) No open containers of beer or alcoholic beverages shall be displayed by any person during the occupancy of any vehicle located on the public square, or upon any public parking lot within the city limits, or upon any private parking lot which is posted pursuant to the notices stated herein. For purposes of definition, occupancy of a vehicle shall include any person who has left a vehicle and is standing nearby in the general vicinity of the vehicle.

1These provisions were taken from Ord. #94-1247, which passed second reading Dec. 6, 1994.

2Municipal code reference
   Alcoholic beverages: title 8.
   Municipal offenses--alcohol: title 11, chapter 2.
(2) No person shall carry or display an open container of beer or alcoholic beverage upon the city streets of Lebanon, Tennessee or upon public property, including but not limited to school property and park property.

(3) No person shall carry or display any open container of beer or alcoholic beverage upon a private parking lot during the hours defined by a posting notice on said lot where the owner or operator of the private parking lot has posted a notice pursuant to the provisions described in this chapter. (Ord. #94-1247, §§ 2, 3 and 4, Dec. 1994)

11-1003. **Littering.** No person shall cause littering to occur on a private parking lot which is posted pursuant to the provisions of this law. (Ord. #94-1247, § 5, Dec. 1994)

11-1004. **Posting of signs.** Any property owner or manager of a parking lot may choose to provide protection for their property by posting visible signs in one or more location which clearly shows that the subject parking lot is a "posted area" and is subject to the provisions of this ordinance. The sign shall state the following minimum warning:

**WARNING-POSTED AREA**

No loitering or standing is allowed in this parking lot from and after __________ p.m. until 4:00 a.m. in the morning, except by express permission of the owner or manager. Violators shall be prosecuted under the provisions of Ordinance No. _____ and are subject to a fine and penalty.

Businesses who are open twenty-four (24) hours per day may place an additional provision which states "persons or vehicles occupying the subject premises during the above hours must be customers or they shall be subject to prosecution". (Ord. #94-1247, § 6, Dec. 1994)

11-1005. **Definition of loitering.** For purposes of this chapter a person is guilty of the offense of loitering if that person;

(1) Remains on posted property, public or private, after the hours described in the posted warning sign; and

(2) Continues to remain after receiving a warning from the owner or manager of the private property or from the police and the person has refused to move from said premises within a reasonable time.

For purposes of this chapter, a reasonable time for a person to remove themselves from a posted area, after receiving a warning, shall be a period of not more than five (5) minutes from the receipt of the warning. (Ord. #94-1247, § 7, Dec. 1994)
11-1006. **Trespassing.**¹ It shall also be unlawful for any person to commit civil trespass within the city limits;

(1) A person commits civil trespass who, knowing they do not have the owner's effective consent to do so, enters or remains on private property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining on the subject private property is given by:

(a) personal communication to the person by the owner or their agent or by someone with apparent authority to act for the owner; or

(b) the property has a fencing or other enclosure obviously designed to exclude intruders; or

(c) the use of posting reasonably likely to come to the attention of intruders.

(2) It is a defense to the prosecution for the offense of civil trespass if the property is not clearly marked as being restricted and the property is otherwise open to the public; and the persons conduct did not substantially interfere with the owner's use of the property; and upon being requested to move from the property, the person immediately left the premises.

Under the provisions of this section, a person who has received a warning from a law enforcement official and has been requested to leave the premises which are posted in such a manner as to give reasonable notice of the trespass violation, shall be deemed to have committed civil trespass. (Ord. #94-1247, § 8, Dec. 1994)

¹Municipal code reference
See also: section 11-701.
12-101. Blasting regulated. It shall be unlawful for any person to blow or cause to be blown with powder, dynamite, or other explosives any rock within the City of Lebanon without sufficient scaffolding or covering to prevent the rock from escaping. (1968 code, § 4-601)

12-102. Utility services not to be furnished to condemned structures. No utility services will be furnished to any structure that has been
condemned by the building inspector of the City of Lebanon, Tennessee, for a violation of the electrical, plumbing, building, housing, gas or sanitation codes, but the city may grant a reasonable extension of time for the restoration or repair of the structure or structures. (1968 code, § 4-603)

12-103. Expiration of building permits. The expiration date for a building permit shall be one hundred eighty (180) days from the date of issue. If work has not commenced during this period of time, the City of Lebanon may issue an extension not to exceed one hundred eighty (180) days. If work has not commenced during the first extension, a second extension not to exceed ninety (90) days may be issued and an additional fee of twenty-five percent (25%) of the original permit fee will be charged. A third extension not to exceed ninety (90) days may be issued and an additional payment of twenty-five percent (25%) of the original permit fee will be charged. However; after the expiration of the one hundred eighty (180) days from the issuance of an extension by a second building permit or after any other extension of the permit process established herein, if substantial and reasonable progress is not being made on the subject construction, the Lebanon City Building Officer shall not issue an extension of the building permit without the approval of a majority vote of the Lebanon City Council. Any owner or builder may apply for a variance with the board of zoning appeals at any time during this process. A variance may be granted by the board of zoning appeals based upon the hardship of the applicant. (as added by Ord. #07-3275, Feb. 2008)
CHAPTER 2

BUILDING CODE AND RESIDENTIAL CODE FOR ONE AND TWO
FAMILY DWELLINGS

SECTION
12-201. Building code and one and two family dwellings code adopted.
12-203. Available in commissioner's office.
12-204. Violations and penalty.

12-201. Building code and one and two family dwellings code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conversation, and safety to life and property from fire and other hazards attributed to the built environment, the International Building Code\(^1\), 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by references as a part of the Lebanon Municipal Code, and is hereinafter referred to as the international building code.

(2) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every one and two family dwelling structure or any appurtenance connected or attached to any such structure, the International Residential Code (for one and two family dwellings), 2003 edition, and its appendices 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 dwellings code. (1968 Code, § 4-101, modified, as replaced by Ord. #95-1384, § 2, Nov. 1995, Ord. #06-2940, June 2006, and amended by Ord. #06-3073, March 2007, and Ord. #10-3659, April 2010)

12-202. Modifications. (1) Definitions. Whenever in the International Building Code when reference is made to the duties of a certain official named therein, that designated official of the city of Lebanon who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

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\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
(2) **Permit fees.** The schedule of permit fees shall be those fees in place that have been adopted by the Lebanon City Council by ordinance. (1968 Code, § 4-102, as replaced by Ord. #06-2940, June 2006)

**12-203. Available in commissioner's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the code adopted herein has been placed on file in the office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (1968 Code, § 4-103, as amended by Ord. #10-3659, April 2010)

**12-204. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the international building code or dwellings code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars ($50.00) per offense. Each day a violation is allowed to continue shall constitute a separate offense. (1968 Code, § 4-104, as replaced by Ord. #06-2940, June 2006, and amended by Ord. #10-3659, April 2010)
CHAPTER 3

PLUMBING CODE ¹

SECTION
12-301. Plumbing code adopted.
12-302. Available in commissioner's office.
12-303. Violations.

12-301. Plumbing code adopted. Pursuant to authority granted by sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated 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 to be connected with the city water or sewer system, the International Plumbing Code, ² 2003 edition, and its appendices 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. (1968 code, § 4-201, modified, as replaced by Ord. #95-1384, § 3, Nov. 1995, as amended by Ord. #06-3073, March 2007, and replaced by Ord. #10-3659, April 2010)

12-302. Available in commissioner's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the plumbing code with the above modifications has been placed on file in the office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (1968 code, § 4-203, modified, as amended by Ord. #06-3073, March 2007, and deleted and renumbered by Ord. #10-3659, April 2010)

12-303. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1968 code, § 4-204, as renumbered by Ord. #10-3659, April 2010)

¹ Municipal code references
Cross connections, etc.: title 18, ch. 3.
Water and sewers: title 18.

² Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclai Road, Birmingham, Alabama 35213.
CHAPTER 4

ELECTRICAL CODE

SECTION
12-401. Electrical code adopted.
12-402. Available in commissioner's office.
12-403. Permit required for doing electrical work.
12-404. Violations.
12-405. Enforcement.
12-406. Fees.

12-401. Electrical code adopted. Pursuant to authority granted by sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code, 1993 edition, together with all amendments thereto (and all future editions) as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1968 code, § 4-301, modified, as replaced by Ord. #95-1384, § 4, Nov. 1995)

12-402. Available in commissioner's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the electrical code has been placed on file in the office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (1968 code, § 4-302, modified)

12-403. Permit required for doing electrical work. No electrical work shall be done within the City of Lebanon until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1968 code, § 4-303)

12-404. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

1 Municipal code reference
Electric utilities: title 19, ch. 1.

2 Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.
such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1968 code, § 4-304)

12-405. Enforcement. The electrical inspector shall be the person appointed or designated to administer and enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1968 code, § 4-305)

12-406. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-17-143, for electrical inspections by deputy inspectors of the state fire marshal. (1968 code, § 4-306)
CHAPTER 5

GAS CODE

SECTION
12-501. Title and definitions.
12-503. Use of existing piping and appliances.
12-504. Bond and license.
12-505. Gas inspector and assistants.
12-506. Powers and duties of inspector.
12-507. Permits.
12-508. Inspections.
12-509. Certificates.
12-510. Fees.
12-511. Violations and penalties.
12-512. Nonliability.

12-501. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the City of Lebanon, Tennessee, and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city council.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1968 code, § 4-401)


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¹Municipal code reference
Gas utilities: title 19, ch. 2.
of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Fuel Gas Code,\(^1\) 2003 edition, and its appendices, 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 gas code. One (1) copy of the gas code shall be kept on file in the office of the commissioner of finance and revenue for the use and inspection of the public. (1968 code, § 4-402, modified, as amended by Ord. #06-3073, March 2007, and replaced by Ord. #10-3659, April 2010)

12-503. **Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1968 code, § 4-403)

12-504. **Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person has secured a license as hereinafter provided, and executed and delivered to the commissioner of finance and revenue a good and sufficient bond in the penal sum of $10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the commissioner of finance and revenue, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work to be done during such year.

(2) Upon approval of the bond, the person desiring to do such work shall secure from the commissioner of finance and revenue a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city. Any license obtained after the 1st day of July of any year shall be computed at the rate of one half (1/2) of the annual fee.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Drive, Birmingham, Alabama 35213.
premises, or as requiring a license or a bond from an individual doing such work on his own premises but all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1968 code, § 4-404)

12-505. **Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the commissioner of public works shall appoint one or more gas inspectors to fulfill the duties of the office of gas inspector. The gas inspections may be performed by said persons pursuant to the powers and duties of the gas inspector stated herein. The persons appointed to fulfill the requirements of the office of gas inspector shall be knowledgeable of gas construction and the required gas codes. The duties and position of gas inspector may be performed by one or more persons as deemed appropriate by the commissioner of public works. (1968 code, § 4-405, as replaced by Ord. #95-1384, § 5, Nov. 1995)

12-506. **Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, is found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector. The notice shall state that the piping has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove the notice or reconnect the gas piping or fixture or appliance without authorization by the inspector. The gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) The inspector shall confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1968 code, § 4-406)

12-507. **Permits.** (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city; however, permits will not
be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the inspector may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved, the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1968 code, § 4-407)

12-508. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of the piping. (1968 code, § 4-408)

12-509. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that the work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1968 code, § 4-409)

12-510. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be $1.50 for one to five outlets, inclusive, and $0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be $1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be $1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of $1.00 shall be made for each such return inspection.

(5) All fees shall be paid by the person to whom the permit is issued. (1968 code, § 4-410)
12-511. **Violations and penalties.** Any person who violates or fails to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined under the general penalty clause for this code of ordinances, or the license of such person be revoked, or both fine and revocation of license may be imposed. (1968 code, § 4-411)

12-512. **Nonliability.** This chapter shall not be construed as imposing upon the city 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 city, 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. (1968 code, § 4-412)
CHAPTER 6
EXISTING BUILDING CODE

SECTION
12-601. Existing building code adopted.
12-602. Available in commissioner's office.
12-603. Violations.

12-601. **Existing building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the *International Existing Building Code,*¹ 2003 edition, and its appendices, as prepared by the International Code Council, is adopted and the same is incorporated herein by reference, and shall be known and referred to as the international existing building code. (1968 code, § 4-501, modified, as replaced by Ord. #95-1384, § 7, Nov. 1995, as amended by Ord. #06-3073, March 2007, and replaced by Ord. #10-3659, April 2010)

12-602. **Available in commissioner's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing building code has been placed on file in the office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (1968 code, § 4-503, as amended by Ord. #06-3073, March 2007, and deleted, renumbered and amended by Ord. #10-3659, April 2010)

12-603. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference and modified. (1968 code, § 4-504, as amended and renumbered by Ord. #10-3659, April 2010)

¹Copies of this code may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 7

UNSAFE BUILDING ABATEMENT CODE

SECTION
12-701. Unsafe building abatement code adopted.
12-702. Conflicts with existing ordinances.
12-703. Modifications.

12-701. **Unsafe building abatement code adopted.**

1 The Standard Unsafe Building Abatement Code, a standard code of the Southern Building Code, is hereby adopted by reference as though it were fully copied herein. (as added by Ord. #00-2088, June 2000)

12-702. **Conflicts with existing ordinances.**

Any matters in said Standard Unsafe Building Abatement Code which are in conflict with existing ordinances of the City of Lebanon shall prevail, and such conflicting ordinances of the City of Lebanon are hereby repealed in that respect only. (as added by Ord. #00-2088, June 2000)

12-703. **Modifications.**

Within the Standard Unsafe Building Abatement Code, when reference is made to the duties of a certain official named therein, that designated official of the City of Lebanon who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official, with the assistance of the city codes administrator, insofar as enforcing the provisions of said code are concerned. (as added by Ord. #00-2088, June 2000)

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

2 In the opinion of MTAS codes team, this chapter has been repealed by implication in Ord. # 06-3073 as the Unsafe Building Abatement Code has been included in the International Building Code, title 12, chapter 2.
CHAPTER 8

MECHANICAL CODE

SECTION
12-801. Mechanical code adopted.
12-802. Available in commissioner's office.
12-803. Violations.

12-801. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code,¹ 2003 edition, and its appendices, 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. (as added by Ord. #10-3659, April 2010)

12-802. Available in commissioner'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 office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (as added by Ord. #10-3659, April 2010)

12-803. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference. (as added by Ord. #10-3659, April 2010)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 9

ACCESSIBILITY CODE

SECTION
12-901. Accessibility code adopted
12-902. Available in commissioner's office.
12-903. Violations.

12-901. Accessibility code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing regulations for the construction and renovations of buildings for public access, the North Carolina Accessibility Code, and its appendices with 2004 amendments, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (as added by Ord. #10-3659, April 2010)

12-902. Available in commissioner's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the accessibility code has been placed on file in the office of the commissioner of finance and revenue and shall be kept there for the use and inspection of the public. (as added by Ord. #10-3659, April 2010)

12-903. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility code as herein adopted by reference. (as added by Ord. #10-3659, April 2010)
TITLE 13

PROPERTY MAINTENANCE REGULATIONS 1

CHAPTER
1. MISCELLANEOUS.
2. RATS.
3. PUBLIC NUISANCES.
4. LEBANON ANTI-LITTER ORDINANCE.
5. OUTDOOR SWIMMING POOLS TO BE COMPLETELY ENCLOSED BY A FENCE.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Director of codes enforcement. The "director of codes enforcement" shall be such city, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Lebanon. (1968 code, § 8-801, as replaced by Ord. #97-1608, June 1997)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to

1Charter references
Authority to enact health and sanitation measures, abate nuisances, etc.: Particularly Art. I, § 3 and Art. II, § 1 (19), (20), (21), (24), (28), (29), and (33).
Municipal code reference
Health and sanitation relating to animals and fowls: title 10.
cause injury or damage to property or business. (1968 code, § 8-804, as replaced by Ord. #97-1608, June 1997)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1968 code, § 8-805, as replaced by Ord. #97-1608, June 1997)

13-104. Weeds. 1. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the director of codes enforcement or chief of police to cut such vegetation when it has reached a height of over one (1) foot.

2. The grass in lawns/yards or vacant lots of property located in districts zoned residential shall not exceed eight (8) inches in height, and the property owner or tenant shall mow said grass on a regular basis during the growing season unless in case of extreme and prolonged drought. It shall be unlawful for any person to fail to comply with an order by the director of codes enforcement or the chief of police to cut such grass within five days, when it has reached a height of eight inches.

3. If a residential property owner or tenant fails or refuses to comply with an order of the director of codes enforcement or the chief of police to remedy the condition, by mowing the lawn/yard or vacant lot of such property within five days after receiving such order, the enforcing authority may immediately cause the lawn/yard or vacant lot of such property to be mowed and the cost thereof shall be assessed against the property owner or tenant owning or occupying such residential property. Failure to pay the assessed sum to the City of Lebanon within thirty days shall cause these costs to be placed upon the tax rolls of the City of Lebanon as a lien upon the property and such costs shall be collected in the same manner as the city taxes are collected. In addition to or in lieu thereof, the enforcing authority may issue a citation to the property owner or tenant occupying said property, citing such person into city court for violation of LMC 13-104 as amended, and such person shall be subject to a civil penalty not to exceed $500.00. Each day that a violation continues after the five-day period following receipt of the notice to mow the lawn/yard or vacant lot, shall constitute a separate violation. (1968 code, § 8-806, as replaced by Ord. #97-1608, June 1997, and amended by Ord. #00-2080, May 2000)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury it or notify the director of codes enforcement and dispose of the animal in such manner as the director of codes enforcement directs. (1968 code, § 8-807, as replaced by Ord. #97-1608, June 1997)
13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1968 code, § 8-808, as replaced by Ord. #97-1608, June 1997)

13-107. Junkyards. All junkyards, auto graveyards, and salvage yards within the corporate limits shall be operated and maintained subject to the following regulations:

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

(2) All such junkyards, auto graveyards, and salvage yards shall be enclosed within close fitting plank fence [privacy fence] touching the ground on the bottom and being not less than eight (8) feet in height, such fence shall be built so it will be impossible for stray cats or dogs to have access to such junk yards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1968 code, § 8-809; as replaced by Ord. #97-1608, June 1997; and further replaced by Ord. #99-1902, Feb. 1999)

1State law reference

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

RATS

SECTION
13-201. Definitions.
13-202. Business buildings to be ratproofed, etc.
13-203. Owners to comply with orders of director of codes enforcement.
13-204. Occupants to comply with orders of director of codes enforcement.
13-205. Authorized methods of complying with requirements.
13-206. Occupants responsible for maintaining ratproofing.
13-207. Inspections.
13-208. Authority to close buildings.
13-209. Authority to institute condemnation proceedings.
13-210. Unlawful to remove or fail to restore ratproofing, etc.
13-211. New structures, repairs, etc., required to include ratproofing.
13-212. Storage, etc., of foodstuffs.
13-213. Storage of garbage, refuse, boxes, etc.

13-201. Definitions. For the purposes of this chapter the following definitions shall apply:
(1) "Business buildings" means any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns, and other structures on premises used for business purposes.
(2) "Ratproofing" applies to a form of construction to prevent the ingress of rats into business buildings from the exterior or from one business building or establishment to another. It consists essentially of treating, with material impervious to rat gnawing, all actual or potential openings in exterior walls, ground or first floors, basements, roofs, and foundations, that may be reached by rats from the ground by climbing or by burrowing.
(3) "Rat harborage" means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside any structure.
(4) "Rat eradication" means the elimination or extermination of rats within buildings by any or all of the accepted measures, such as: poisoning, fumigation, trapping, clubbing, etc.
(5) "Director of codes enforcement" means the officer described in section 13-101 of this code.
(6) "Owner" means the actual owner, agent, or custodian of the business buildings, whether an individual, a partnership, or a corporation. The lessee shall be construed as the "owner" for the purposes of this chapter when business building agreements hold the lessee responsible for maintenance and repairs.

(7) "Occupant" means the individual, partnership, or corporation that uses or occupies any business building or part thereof, whether the actual owner or tenant. In the case of vacant business buildings or vacant portions thereof, the owner, agent, or custodian shall have the responsibility as occupant. (1968 code, § 8-101, as replaced by Ord. #97-1608, June 1997)

13-202. Business buildings to be ratproofed, etc. It is hereby ordained and required that all business buildings in the City of Lebanon shall be ratproofed, freed of rats, and maintained in a ratproof and rat-free condition to the satisfaction of the director of codes enforcement. (1968 code, § 8-402, as replaced by Ord. #97-1608, June 1997)

13-203. Owners to comply with orders of director of codes enforcement. Upon receipt of a written notice and/or order from the director of codes enforcement, the owner of any business building specified therein shall take immediate measures for ratproofing the building. Unless the work and improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen (15) days, or within the time to which a written extension may have been granted by the director of codes enforcement, then the owner shall be deemed guilty of an offense under the provisions of this chapter. (1968 code, § 8-403, as replaced by Ord. #97-1608, June 1997)

13-204. Occupants to comply with orders of director of codes enforcement. Whenever the director of codes enforcement notified the occupant or occupants of a business building in writing that there is evidence of rat infestation in the building, the occupant or occupants shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the premise is declared by the director of codes enforcement to be free of rat infestation. Unless the measures are undertaken within five (5) days after receipt of notice, it shall be construed as a violation of the provisions of this chapter and the occupant shall be held responsible therefor. (1968 code, § 8-404, as replaced by Ord. #97-1608, June 1997)

13-205. Authorized methods of complying with requirements. The owner of a business building, in complying with the provisions hereof relative to ratproofing the building, and the occupant, in maintaining in a ratproof condition and in pursuing a system of rat control as required by sections 13-204
and 13-206, may do the work himself or may engage a contractor to do the work, or the owner or occupant, if he so desires, may make application to the director of codes enforcement who thereupon is hereby authorized to have the necessary ratproofing or the work of rat control done at cost. The cost of ratproofing and/or rat control performed by the director of codes enforcement shall include the cost of all labor, materials, equipment, and supervision necessary to complete the work. Upon completion of the work applied for, the director of codes enforcement shall submit a bill for the costs to the applicant who shall thereupon become liable to the City of Lebanon for the full amount of the bill. If bills are not paid within thirty (30) days after billing, the director of codes enforcement shall certify the amount due from the applicant to the city attorney, who shall bring suit in the name of the city to collect it. (1968 code, § 8-405, as replaced by Ord. #97-1608, June 1997)

13-206. Occupants responsible for maintaining ratproofing. The occupants of all ratproofed business buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order of the director of codes enforcement. (1968 code, § 8-406, as replaced by Ord. #97-1608, June 1997)

13-207. Inspections. The director of codes enforcement is empowered to make unannounced inspections of the interior and exterior of business buildings to determine full compliance with this chapter. He shall also make periodic inspections at intervals of not more than forty-five (45) days of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in ratproofing. When any evidence is found indicating the presence of rats or openings through which rats may enter business buildings, the director of codes enforcement shall serve the owners or occupants with notices and/or orders to abate the condition found. (1968 code, § 8-407, as replaced by Ord. #97-1608, June 1997)

13-208. Authority to close buildings. Whenever conditions inside or under occupied business buildings provide extensive harborage for rats in the opinion of the director of codes enforcement he is empowered, after due notification in accordance with § 13-203, to close such business buildings until such time as the conditions are abated by ratproofing and harborage removal including, if necessary, the installation of suitable concrete floors in basements or replacement of wooden first or ground floors with concrete or other major repairs necessary to facilitate rat eradication. (1968 code, § 8-408, as replaced by Ord. #97-1608, June 1997)

13-209. Authority to institute condemnation proceedings. Whenever conditions inside or under unoccupied business buildings provide extensive harborage for rats in the opinion of the director of codes enforcement,
he is empowered to require compliance with the provisions of § 13-203. In the event that the conditions are not corrected within a period of sixty (60) days or within the time to which a written extension may have been granted by the director of codes enforcement, the director of codes enforcement is empowered to institute condemnation and destruction proceedings. (1968 code, § 8-409, as replaced by Ord. #97-1608, June 1997)

13-210. **Unlawful to remove or fail to restore ratproofing, etc.** It shall be unlawful under the provisions of this chapter for the occupant, owner, contractor, public utility company, plumber, or any other person to remove and fail to restore in like condition the ratproofing from any business building for any purpose. Further, it shall be unlawful for any person or agent to make any new openings that are not closed or sealed against the entrance of rats. (1968 code, § 8-410, as replaced by Ord. #97-1608, June 1997)

13-211. **New structures, repairs, etc., required to include ratproofing.** It shall be unlawful for any person, firm, or corporation hereafter to construct, repair, or remodel any building, dwelling, stable, or market, or other structure whatsoever, unless the construction, repair, remodeling, or installation renders the building or other structure ratproof in accordance with the regulations prescribed herein. The provisions of this section apply only to construction, repairs, remodeling, or installation that affect the ratproof condition of any building or other structure. (1968 code, § 8-411, as replaced by Ord. #97-1608, June 1997)

13-212. **Storage, etc., of foodstuffs.** It shall be unlawful for any person, firm, or corporation hereafter to occupy any new or existing business buildings wherein foodstuffs are to be stored, kept, handled, sold, held, or offered for sale without complying with § 13-210. (1968 code, § 8-412, modified, as replaced by Ord. #97-1608, June 1997)

13-213. **Storage of garbage, refuse, boxes, etc.** Within the corporate limits of the City of Lebanon all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected in covered metal containers of a type prescribed by the director of codes enforcement. It is further declared unlawful for any person, firm, or corporation to dump or place on any premise, land, or waterway, any dead animals, or any waste vegetable or animal matter of any kind, as replaced by Ord. #97-1608, June 1997.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish, or trash in any building or on any premise, improved or vacant, or on any open lot or alley in the City of Lebanon so that it affords or may afford food or harborage for rats.
It shall be unlawful for any person to permit to accumulate on any premise, improved or vacant, or on any open lot or alley in the City of Lebanon any lumber, boxes, barrels, bottles, cans, containers, or similar materials that may be permitted to remain thereon unless these are placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked. (1968 code, § 8-413, as replaced by Ord. #97-1608, June 1997)
CHAPTER 3

PUBLIC NUISANCES

SECTION
13-301. Certain conditions described as constituting a public nuisance.
13-302. Described public nuisances prohibited.
13-303. Misdemeanor to permit.
13-304. Notice to be given to property owners and occupants.
13-305. Abatement of public nuisance.
13-306. City court proceedings.
13-308. Abatement by city at property owner's expense.
13-309. Files, records, etc. to be kept.
13-311. Removal and disposal procedure - abandoned and/or junk motor vehicles.
13-312. Sale or disposal of abandoned or junk motor vehicles.

13-301. Certain conditions described as constituting a public nuisance. The accumulation and storage of debris, rubbish, trash, tin cans, bottles, junk vehicles, and papers, or stagnant water, or a dense growth of trees, vines, grass, and other underbrush on any lot, tract, or parcel of land within the corporate limits of the City of Lebanon, Tennessee are in the nature of rubbish and unsightly debris and constitutes a menace to life and property in that, such conditions tend to interfere with the enjoyment of and reduce the value of public and private property, endangers the public health and welfare, and can create fire hazards to the extent that the same is a public nuisance to the citizens, residents, and inhabitants of the city. The storage or parking of junk vehicles in areas authorized by the zoning ordinances of Lebanon, Tennessee are not to be construed as a public nuisance so long as the storage areas meet all requirements of the zoning ordinances, including any necessary appeals. (1968 Code, § 8-501, as replaced by Ord. #89-717; Ord. #97-1608, June 1997; and Ord. #02-2348, July 2002)

13-302. Described public nuisances prohibited. The allowing, accumulation or permitting of debris, rubbish, trash, tin cans, bottles, and papers, junk vehicles in improperly zoned areas, or stagnant water to accumulate, or a dense growth of trees, vines, grass, and underbrush which is allowed to develop on any lot, tract, or parcel of land within the corporate limits of the City of Lebanon to such an extent that such constitutes a menace to life, property, public health, public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance punishable as stated herein. (1968 Code, § 8-502, as replace by ord. 89-717, § 2, and Ord. #97-1608, June 1997)
13-303. **Misdemeanor to permit.** Any land owner, lessee, or occupant of any lot, tract, or parcel of land in the City of Lebanon who permits debris, rubbish, trash, tin cans, bottles, junk vehicles and papers, or stagnant water to accumulate, or a dense growth of trees, vines, grass, or underbrush to develop thereon to such an extent that such conditions constitutes a menace to life, property, the public health, or the public welfare and/or creates a fire hazard shall be guilty of a misdemeanor and upon conviction thereof shall be punished according to the general penalty clause according to the municipal ordinance together with all costs of the prosecution. (1968 code, § 8-503, as replaced by ord. 89-717, § 2, and Ord. #97-1608, June 1997)

13-304. **Notice to be given to property owners and occupants.** If the commissioner of public works of the City of Lebanon, the codes enforcement officer or any other duly authorized representative of the City of Lebanon shall find that debris, rubbish, trash, tin cans, bottles, junk vehicles, and papers, or stagnant water have been allowed to illegally accumulate, or the property owner or occupant has allowed a dense growth of trees, vines, grass, and underbrush to develop on any lot, tract, or parcel of land within the City of Lebanon to such an extent that it constitutes a menace to life, property, the public health, or the public welfare and/or creates a fire hazard, he shall notify the recorded owner of such property in writing at his last known mailing address. The notice shall describe the findings to such an extent that the owner or occupant shall have notice of the conditions on the property that have been deemed to constitute a hazard or menace to life, property, the public health, the public welfare and/or creates a fire hazard and said notice shall demand that the owner or occupant remedy the condition or conditions immediately. The commissioner of public works, codes enforcer or other duly authorized representative of the City of Lebanon shall also cause a copy of the notice to be served by a police officer of the City of Lebanon upon the occupant of the property or upon any agent of the owner thereof, or, if no person occupies the property, upon the property by posting a notice thereon. (1968 code, § 8-504, and Ord. #97-1608, June 1997)

13-305. **Abatement of public nuisance.** If the conditions described in the notice have not been remedied by the occupant or property owner within thirty (30) days after the mailing or posting of said notice, the director of codes enforcement shall cause to be issued a citation to the city court of Lebanon, Tennessee or other court of proper jurisdiction demanding the owner and/or occupant of the subject property to show cause why the owner and/or occupant shall not be held guilty for violation of this chapter. (Ord. 89-717, § 2, and Ord. #97-1608, June 1997)

13-306. **City court proceedings.** Upon issuance of a citation, a hearing shall be held before the city judge, or other duly authorized judge, to determine if the alleged offender has violated the terms and conditions of this chapter. The
proof presented at the judicial hearing shall show that the alleged condition or conditions cited have occurred and do exist and said proof shall be taken with the burden to be upon the city or its duly authorized representative to prove said conditions and the violation of this chapter beyond a reasonable doubt. Upon the completion of the hearing, the court may find the owner or occupant guilty of violation of this chapter and is hereby authorized to penalize said owner and/or occupant for each violation thereof, with each separate day that the violation exists after the receipt or posting of the notice described in this chapter to be deemed a separate violation, and any person found guilty of violating this chapter may be punished according to the general penalty provision of this municipal code of ordinances. (Ord. 89-717, § 2, and Ord. #97-1608, June 1997)

(1) Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(a) "Debris." The remains of something broken down or destroyed; and accumulation of rock fragments.

(b) "Junk vehicle." For the purpose of this chapter, the storing or parking of any vehicle or vehicles which:

(i) Is two years old, or older; and

(ii) Is damaged or defective in any one or a combination of any of the following ways that indicates the vehicle cannot reasonably be safely operated upon the streets and highways under its own power:

(A) Broken or cracked window or windshield;

(B) Missing tires or missing or partially or totally disassembled tires and wheels;

(C) 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, axle;

(D) Extensive exterior body damage or missing or partially or totally disassembled exterior body parts essential to the reasonably safe operation of the motor vehicle, such as, but not limited to fenders, doors, engine hood;

(E) Missing or partially or totally disassembled interior parts essential to the reasonable safe operation of the motor vehicle, such as, but not limited to, driver's seat, steering wheel, instrument panel;

(F) Missing or partially or totally disassembled other parts essential to the starting or running of the vehicle under its own power, such as, but not limited to,
starter, generator or alternator, battery, distributor, gas
tank, radiator;

(G) The interior is a container for metal, glass,
paper, rags, wood, machinery, parts, cloth or other waste or
discarded materials in one or any combination of such
materials in such quantity and arrangement that the
vehicle cannot be reasonably safely operated upon the
streets and highways; and

(iii) Does not have a current state license plate fixed to
the place on the vehicle prescribed by state law; and

(iv) Has been parked in the same place for more than
ninety days.

(c) "Person." Any person, firm, organization, partnership,
association, corporation or company of any kind.

(d) "Vehicle." Any machine propelled by other than human
power designed to travel along the ground by use of wheels, treads,
runners, or slides and transport persons or property or pull machinery,
and shall include, without limitation, automobile, truck/trailer,
motorcycle, tractor, mobile home, or motor home.

(2) Junk vehicles a public nuisance. (a) The parking or storing of a
junk vehicle, as defined herein, on the public roadway, right-of-way,
street or alleyway adjacent to a subject property, shall be declared a
public nuisance and the owner of said junk vehicle and/or the owner of
the adjoining property, who permits or allows the subject junk vehicle to
be parked on the public right-of-way, roadway, street or alleyway, shall
be deemed to be in violation of this chapter and shall be punishable
pursuant to the provisions of title 13, chapter 3, of the Lebanon Municipal
Code.

(b) The parking or storing of a junk vehicle, as defined herein,
on any residential or private property not zoned for a vehicle junkyard,
for more than forty-eight (48) hours without the knowledge and consent
of the property owner or occupant, shall be deemed a violation of this
chapter by the owner of the junk vehicle and/or the owner or occupant of
said private property; and shall be punishable pursuant to the provisions
of title 13, chapter 3 of the Lebanon Municipal Code. Said owner of the
junk vehicle, and or the said owner or occupant of the private property
shall remove said junk vehicle from said private property within thirty
days after notice of violation is issued by the city. Failure to remove said
junk vehicle within the time prescribed herein shall be deemed a further
violation of this chapter and removal and disposal of said junk vehicle by
the city shall be pursuant to the provisions of title 13, chapter 3, sections
311 and 312.

(c) Nothing in this section shall create an exception to the
definition of, or compliance with, the provisions of title 14 of the Lebanon
Municipal Code. (Ord. #89-717, as replaced by Ord. #97-1608, June 1997; Ord. #98-1867, Jan. 1999; and Ord. #02-2348, July 2002)

13-308. Abatement by city at property owner's expense. If the Director of Codes Enforcement for the City of Lebanon deems it appropriate, and if an owner or occupant continues to violate the terms and conditions of this chapter, the commissioner of public works may be instructed to remove said public nuisance from or about the property of the owner or occupant, at the expense of the owner or occupant of the subject property. If the commissioner of public works shall cause the conditions to be remedied by the City of Lebanon, the action shall be certified to the commissioner of finance and revenue and the expense incurred in remedying the condition together with a certificate as to the conditions of the property which necessitated the incurring of the expense, a copy of the notice mentioned above with proof of service thereof, and a copy of the result of the hearing before the city panel described herein, shall become and constitute a lien and charge upon the property, in the amount of the expense incurred by the City of Lebanon in remedying the condition, and the lien shall be payable with interest at the rate of ten (10%) percent per annum from the date of said certification to the commissioner of public works, and the recording of a notice in the register's office of Wilson County, Tennessee. The lien shall be collectible at the time ad valorem taxes on the property become due and payable to the City of Lebanon, Tennessee, and the expense charged for collection shall be first a prior lien against the property, subject only to the lien
for taxes to the County of Wilson and also subject to any taxes owed to the City of Lebanon for municipal taxes. On the failure of the owner or occupant of the property to pay the lien, the lien may be enforced in the same manner as a tax lien in favor of the City of Lebanon and shall be certified by the commissioner of finance and revenue for collection along with the certification of any ad valorem taxes assessed against the property which are not paid when due. (1968 code § 8-506, as replaced by ord. 89-717, § 2, and Ord. #97-1608, June 1997)

13-309. Files, records, etc. to be kept. The commissioner of finance and revenue of the City of Lebanon shall keep a complete set of files and records relating to such liens, and shall include the amounts of such liens in tax statements for ad valorem taxes thereafter submitted to the owners of lots, tracts or parcels of land that may be subject to said lien as a result of any violation of this chapter. (1968 code § 8-507 as replaced by ord. 89-717, § 2, and Ord. #97-1608, June 1997)

13-310. Removal of abandoned and junk vehicles. Under the provisions of this section, any abandoned vehicle or junk vehicle as defined in section 13-308 may be tagged as described herein and removed for disposal as described by the provisions of this code section. Under this section, "abandoned motor vehicle" means any motor vehicle that is over four (4) years old and is left unattended on public property for more than five (5) days, or is a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or is a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours. (as added by Ord. #95-1399, § 1, Dec. 1995, and Ord. #97-1608, June 1997)

13-311. Removal and disposal procedure - abandoned and/or junk motor vehicles. (1) Under the provisions of this section, the police department or the director of codes enforcement, or their duly authorized representatives, may take into custody any motor vehicle found abandoned on public or private property, after tagging and notification as described herein.

(2) Any unattended vehicle which is believed to be an abandoned or junk motor vehicle under the provisions of this code section, shall be tagged by the following notice:

WARNING! UNATTENDED VEHICLE

CITY OF LEBANON, TENNESSEE
In an effort to promote safety and protect your property the City of Lebanon Police Department or Director of Codes Enforcement has stopped to offer assistance and determine that your vehicle was not stolen or abandoned.

The Lebanon Municipal Code provides for removal of the vehicle from public or private property when an officer has reasonable grounds to believe it has been abandoned or it creates a traffic hazard, or it is in violation of the Lebanon Municipal Code concerning junk vehicles.

A vehicle is considered abandoned if it is over four (4) years old and is left unattended on public property for more than five (5) days, or is a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or is a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

Officials are authorized to remove abandoned or junk vehicles at the owners expense. Therefore, we urge you to remove this vehicle as soon as possible to prevent damage to the property and/or vandalism and/or the removal and disposal of this vehicle pursuant to the Lebanon Municipal Code.

**THIS IS NOT A TRAFFIC CITATION**

(3) Upon taking into custody a motor vehicle found to be abandoned and/or a junk vehicle, which is abandoned on either public or private property, the police department or codes enforcement section shall notify within fifteen (15) days thereof, by registered mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the vehicle, setting forth the location where the motor vehicle is being held; inform the owner and any lienholders of their right to reclaim the motor vehicle within ten (10) days after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lienholder to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver
by the owner and all lienholders of all right, title and interest in the vehicle and consent to the sale of the abandoned vehicle at a public auction.

(4) In the event there is no response to the notice by registered mail provided for in paragraph (3) herein, then there shall be notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned. Such notice shall be in a small display ad format, but one (1) advertisement may contain multiple listings of abandoned and/or junk vehicles which are subject to be sold.

(5) Notwithstanding any provisions of this section to the contrary, the consequences and effect of failure of an owner or lienholder to reclaim an abandoned or junk motor vehicle shall cause the subject vehicle to be subject to sale or disposal as stated in this section. (As added by Ord. #95-1399, § 1, Dec. 1995, and Ord. #97-1608, June 1997)

13-312. Sale or disposal of abandoned or junk motor vehicles.

(1) If an abandoned or junk vehicle in violation of the provisions of the Lebanon Municipal Code has not been reclaimed after seizure by the police department and or director of codes enforcement, the City of Lebanon may sell the subject vehicle at a public auction.

(2) The sale shall be construed to be performed under a lien in favor of the City of Lebanon for the towing, preservation and storage charges that have accumulated as a result of the taking of the subject vehicle into custody.

(3) The proceeds from the sale of an abandoned or junk motor vehicle shall be used for the payment of the expenses of sale, the cost of towing, preservation and storing the motor vehicle, and all reasonable and necessary costs which have been incurred pursuant to the provisions of this section. Any remaining proceeds from the sale shall be held for the owner of the vehicle or title lienholder for a period of one hundred eighty (180) days, and then shall be dispersed to a special fund which will remain available for the payment of auction, towing, preservation and storage, notice and publication costs in support of the program for the removal of abandoned or junk vehicles from the City of Lebanon.

(4) In the event the abandoned or junk vehicle has insufficient value to warrant the sales expenses described herein, the City of Lebanon may, after providing notice by mail and publication as stated above, sell the junk or abandoned motor vehicle to an automobile demolisher who regularly purchases or otherwise acquires motor vehicles for the purpose of wrecking, dismantling or demolition of junk vehicles. (As added by Ord. #95-1399, § 1, Dec. 1995, and Ord. #97-1608, June 1997)
CHAPTER 4
LEBANON ANTI-LITTER ORDINANCE

SECTION
13-401. Title.
13-402. Definitions.
13-403. Litter in public places.
13-404. Placement of litter in receptacles so as to prevent scattering.
13-405. Sweeping litter into gutters prohibited; sidewalks to be kept clean.
13-406. Merchants' duty to keep sidewalks free of litter.
13-408. Truck loads causing litter.
13-409. Litter in parks.
13-410. Litter in lakes and fountains.
13-411. Throwing or distributing commercial handbills in public places.
13-412. Placing commercial and non-commercial handbills on vehicles.
13-413. Prohibiting distribution of handbills where property posted.
13-414. Distributing commercial and non-commercial handbills at inhabited private premises.
13-415. Dropping litter from aircraft.
13-416. Posting notices prohibited.
13-417. Litter on occupied private property.
13-418. Owner to maintain premises free of litter.
13-419. Litter on vacant lots.
13-420. Clearing of litter from open private property by city.
13-421. Violations.

13-401. Title. This chapter shall be known and may be cited as the "Lebanon Anti-Litter Ordinance." (1968 code, § 8-601, as replaced by Ord. #97-1608, June 1997)

13-402. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

State law reference
For a discussion of the constitutionality of portions of a litter ordinance similar to this one, see H & L Messengers, Inc., v. City of Brentwood, 577 S.W. 2d 444 (Tenn. 1979).
(1) "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter than air dirigibles and balloons.

(2) "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized for refuse in title 17, chapter 1.

(3) "City" is the City of Lebanon.

(4) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
   (a) Which advertises for sale any merchandise, product, commodity, or thing; or
   (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
   (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up, for the purpose of defraying the expenses incident to the meeting, theatrical performance, exhibition, or event of any kind, when either is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order. Nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where a license is or may be required by any law of this state, or under any ordinance of this city; or
   (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person engaged as advertiser or distributor.

(5) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(6) "Litter" is garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(7) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statues or regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, includes any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.
(8) "Non-commercial handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park" is a park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(10) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(11) "Private premises" is any dwelling, house, building, or other structure designated or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(12) "Public place" is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(13) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(14) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(15) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (1968 code, § 8-60241, as replaced by Ord. #97-1608, June 1997)

13-403. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (1968 code, § 8-603, as replaced by Ord. #97-1608, June 1997)

13-404. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 code, § 8-604, as replaced by Ord. #97-1608, June 1997)
13-405. **Sweeping litter into gutters prohibited; sidewalks to be kept clean.** No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1968 code, § 8-605, as replaced by Ord. #97-1608, June 1997)

13-406. **Merchants' duty to keep sidewalks free of litter.** No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. (1968 code, § 8-606, as replaced by Ord. #97-1608, June 1997)

13-407. **Litter thrown by persons in vehicles.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property. (1968 code, § 8-607, as replaced by Ord. #97-1608, June 1997)

13-408. **Truck loads causing litter.** No person shall drive or move any truck or other vehicle within the city unless the vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit mud, dirt, sticky substances, litter, or foreign matter of any kind, in any street, alley, or other public place. (1968 code, § 8-608, as replaced by Ord. #97-1608, June 1997)

13-409. **Litter in parks.** No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1968 code, § 8-609, as replaced by Ord. #97-1608, June 1997)

13-410. **Litter in lakes and fountains.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the city. (1968 code, § 8-610, as replaced by Ord. #97-1608, June 1997)

13-411. **Throwing or distributing commercial handbills in public places.** No person shall throw or deposit any commercial or non-commercial
handbill in or upon any sidewalk, street, or other public place within the city. (1968 code, § 8-611, modified, as replaced by Ord. #97-1608, June 1997)

13-412. Placing commercial and non-commercial handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. (1968 code, § 8-612, modified, as replaced by Ord. #97-1608, June 1997)

13-413. Prohibiting distribution of handbills where property posted. No person shall throw, deposit, or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon the premises. (1968 code, § 8-614, as replaced by Ord. #97-1608, June 1997)

13-414. Distributing commercial and non-commercial handbills at inhabited private premises. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon the private premises. In case of inhabited private premises which are not posted as provided in this chapter, the person, unless requested by anyone upon the premises not to do so, may place or deposit a handbill in or upon the premises if it is so placed or deposited as to secure or prevent it from being blown about the premises or sidewalks, streets, or other public places. Mailboxes may not be so used when prohibited by federal postal law or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1968 code, § 8-615, as replaced by Ord. #97-1608, June 1997)

13-415. Dropping litter from aircraft. No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1968 code, § 8-616, as replaced by Ord. #97-1608, June 1997)

13-416. Posting notices prohibited. No person shall post or affix any notice, posted or other paper or advice, calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public structure or building, except as authorized or required by law.
13-417. **Litter on occupied private property.** No person shall throw or deposit litter on any occupied private property within the city, whether owned by the person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. (1968 code, § 8-618, as replaced by Ord. #97-1608, June 1997)

13-418. **Owner to maintain premises free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection. (1968 code, § 8-619, as replaced by Ord. #97-1608, June 1997)

13-419. **Litter on vacant lots.** No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (1968 code, § 8-620, as replaced by Ord. #97-1608, June 1997)

13-420. **Clearing of litter from open private property by city.** The city may proceed to remove litter from open private property in the following manner:

   (1) **Notice to remove.** The city director of codes enforcement is hereby authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of the owner, properly to dispose of litter located on the owner's property which is dangerous to public health, safety, or welfare. The notice shall be by registered mail, addressed to the owner at his last known address.

   (2) **Action upon non-compliance.** Upon the failure, neglect, or refusal of any owner or agent so notified properly to dispose of litter dangerous to the public health, safety, or welfare within ten (10) days after receipt of written notice provided for in subsection (1) above, or within fifteen (15) days after the date of the notice in the event it is returned to the city post office department because of the department's inability to make delivery thereof, if it was properly addressed to the last known address of the owner or agent, the city director of codes enforcement is hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the city.

   (3) **Charge included in tax bill.** When the city has effected the removal of the dangerous litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner.
by the city. The charge shall be due and payable by the owner at the time of payment of the bill.

(4) **Recorded statement constitutes lien.** Where the full amount due the city is not paid by the owner within ten (10) days after the disposal of the litter, as provided for in subsections (1) and (2) above, then, the city director of codes enforcement shall cause to be recorded in the office of the commissioner of finance and revenue a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of the sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of ten percent (10%) in the event it is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the attachment is due and collectible as provided by law. (1968 code, § 8-621, as replaced by Ord. #97-1608, June 1997)

13-421. **Violations.** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code. (1968 code, § 8-622, as replaced by Ord. #97-1608, June 1997)
CHAPTER 5

OUTDOOR POOLS TO BE COMPLETELY ENCLOSED BY A FENCE

SECTION
13-501. Fencing requirements.
13-503. Definition.
13-504. Location of fencing.
13-505. Distance between pool and fencing.
13-506. Wall may be incorporated into fence.
13-507. Fine.
13-508. Enforcement.
13-509. Severability.

13-501. Fencing requirements. All outdoor swimming pools, both public and private and wherever located within the corporate limits of the City of Lebanon, constructed or to be constructed after the effective date of this chapter, shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be at least four feet in height above grade level and shall be constructed of brick, stone, wrought iron, wood, or a minimum number 9 gauge woven wire mesh corrosion-resistant material, or other similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and shall be equipped to have a lock thereon. If the self-latching device is less than 54 inches from the bottom of the gate, the device must be located inside the fence and at least three inches below the top. No opening of more than ½ inch in the fence will be allowed less than 18 inches of the release mechanism. Fence posts shall be made of the same material as the fence or shall be decay or corrosion resistant and shall be set in concrete bases. There shall be no more than a three (3") inch opening between the ground or deck floor and the bottom of the fence. (Ord. #99-1986, Sept. 1999)

13-502. Compliance. Owners or tenants of property on which is located an outdoor swimming pool already in existence and use, on the effective date of this chapter, shall have until Memorial Day of the year 2000 to comply with the provision set forth herein. (Ord. #99-1986, Sept. 1999)

13-503. Definition. The definition of a "swimming pool" shall be as follows:

This chapter was taken from Ord. #99-1986 which passed second reading Sept. 7, 1999.
"Swimming pool--Any constructed or pre-fabricated pool used for swimming or bathing twenty-four (24") inches or more in depth. Private home spas and above ground pools, not exceeding ten (10') feet in diameter, shall not be deemed a swimming pool."(Ord. #99-1986, Sept. 1999)

13-504. **Location of fencing.** Location or fencing of outdoor swimming pools shall be subject to all other applicable ordinances. (Ord. #99-1986, Sept. 1999)

13-505. **Distance between pool and fencing.** No fence shall be located, erected, constructed, or maintained closer to an outdoor pool than three feet (0.91 meters). (Ord. #99-1986, Sept. 1999)

13-506. **Wall may be incorporated into fence.** The wall of the house or building faced to a pool may be incorporated as a portion of such fence. (Ord. #99-1986, Sept. 1999)

13-507. **Fine.** Any person, firm or corporation violating any provision of this chapter shall be fined not less than fifty dollars nor more than five hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues after notification. (Ord. #99-1986, Sept. 1999)

13-508. **Enforcement.** This chapter shall be enforced by the city building inspector, chief codes enforcement officer of the division of codes, or their designated agent. (Ord. #99-1986, Sept. 1999)

13-509. **Severability.** The provisions of this chapter are severable, and if any sentence, section or other part of this chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect. (Ord. #99-1986, Sept. 1999)
CHAPTER 1

MUNICIPAL REGIONAL PLANNING COMMISSION

SECTION

14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of section 13-3-101 of the Tennessee Code Annotated there is hereby created a municipal regional planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members: two (2) of these shall be the mayor and an alderman selected by the city council; the other eight (8) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments which shall be made so as to stagger the terms, the terms of the eight (8) members appointed by the mayor shall be for five (5) years each. The terms of the mayor and the alderman selected by the city council shall run concurrently with their terms of office on the city council. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1968 code, § 11-101, modified)
14-102. **Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of the *Tennessee Code Annotated.* (1968 code, § 11-102)
CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING

SECTION
14-201. Title.
14-203. Definitions.
14-204. Zoning affects every building and use.
14-205. Mobile homes to be located in licensed mobile home courts only.
14-206. Continuance of nonconforming uses and/or buildings.
14-207. Only one principal building on any lot.
14-208. Fall-out shelters.
14-209. Reduction in lot areas prohibited.
14-210. Required yard not to be used by another building.
14-211. Rear yard abutting a public street.
14-212. Fencing for residential zoned and/or used properties.
14-213. Obstruction to vision at street intersections prohibited.
14-215. Conformance to minimum off-street parking requirements.
14-217. Site plan requirements.
14-218. Future street lines.
14-219. Vehicular access control.
14-220. Classification of districts.
14-221. Zoning of annexed territory.
14-222. Prohibition of portable signs.
14-223. Minimum lot frontage.
14-224. Erosion and sedimentation control.

14-201. Title. Chapters 2 through 14 in this title shall be known as the "Zoning Ordinance of the City of Lebanon, Tennessee." The atlas and plan herein referred to, which are identified by the titles, "Official Zoning Atlas of Lebanon, Tennessee, Major Thoroughfare Plan," and all subsequent revisions and all explanatory matter thereon are hereby adopted and made a part of chapters 2 through 14 of this title. (1968 code, § 11-201, as amended by ord. 83-501, § 1, modified)

14-202. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid
undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious and objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a over-concentration of these uses in any one area and to minimize and control the deleterious and secondary effects of these uses. Uses subject to these controls are adult orient businesses including but not limited to:

(1) Adults-only bookstores.
(2) Adult cabaret.
(3) Adult entertainment centers.
(4) Adults-only motion picture theaters.
(5) Adult motel.
(6) Massage parlors.
(7) Rap parlors.

14-203. Definitions. Unless otherwise stated, the following words shall, for the purpose of chapters 2-14 in this title, have the meanings herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural, the singular. The word "shall" is mandatory and not directory.

(1) "Access ramp." A turning roadway at an interchange for travel between intersection legs.

(2) "Adult cabaret." A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
   (a) Persons who appear in a state of nudity; or
   (b) Live performances which 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 which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
The definition of adult cabaret shall also include those establishments as defined by state statutes and shall include those commercial establishments which feature entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, whether in a state of total nudity, partial nudity, or not nude at all.

(3) "Adult entertainment center." An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of any such activity.

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

(5) "Adult-only bookstores." An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films 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 nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

(6) "Adults-only motion picture theaters." An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "anatomical areas" for observation by patrons therein.

(7) "Adult oriented businesses." Including, but not limited to, adults-only bookstores, adult cabaret, adult entertainment centers, adults-only motion picture theaters, adult motel, erotic dance facilities, rap parlors, and saunas. Adult oriented business is a business which provides entertainment or merchandise only for adult consumption or use, and includes such
entertainment establishments which present various states of nudity as allowed by state statutes.

(8) "Alley." Any public or private way less than twenty-five (25) feet in width set aside for public travel.

(9) "Automobile graveyard." Any lot, parcel or property used for the purpose of dismantling and/or storing on the site two or more motor vehicles which are not maintained in operating condition.

(10) "Automobile salvage yard." An automobile graveyard which is operated as a business involving the dismantling and sale, trade or other exchange of motor vehicle component parts. A motor vehicle is defined as any self propelled vehicle not operated exclusively on a track, including motorcycles.

(11) "Automobile storage or parking space." An area reserved for and suitable for automobile storage or parking space. One passenger vehicle space shall be 9 by 20 feet. Such area shall be provided with safe vehicle access to a public street or alley.

(12) "Bed and breakfast." A private home, inn, detached guest house, or other residential facility offering overnight lodging to guests and offering meals only to those guests by the owner or manager who lives on the premises or property immediately adjacent to it. No facility shall have more then six (6) sleeping rooms, furnished for pay, with no more then two (2) adult guests and no more then two (2) children twelve (12) years and under in any one (1) room. Renting of rooms by guest shall not exceed twenty-one (21) consecutive days. All activity shall be subordinate and incidental to the main residential use of the building.

(13) "Building." Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or movable.

(a) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(b) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In any residence district, any dwelling shall be deemed the principal building on any lot on which the same is situated. Carports and garages if permanently attached to the building are deemed a part of the principal building.

(14) "Circulation." The uncongested movement of traffic, goods and people within and through a developed area.

(15) "Construction trailer." A factory manufactured structure located on an approved construction site, not designed for use as sleeping quarters, in support of construction activities only, and limited to that use for a period of not more than twelve months.

(16) "Demolition." The act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
(17) "Dwelling." A house, apartment building, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels, or other structures designed for transient residence.

(18) "Fall-out shelter." A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

(19) "Family." One or more persons occupying premises and living as a single, non-profit housekeeping unit.

(20) "Feeder road." A roadway which provides access to and from the interstate highway at an interchange.

(21) "Floor area ratio." A more refined measure of intensity than building coverage expressing the relationship between volume of building(s) and unit of land. Computed by dividing the total gross floor area of all structures on a particular lot by the total area.

(22) "Height of building." The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

(23) "Home occupation." An occupation having traditional acceptance as being one customarily carried on in the home, provided that: Such occupation be incidental to the residential use; no article or service be sold or offered for sale on the premises except that produced by such occupation; such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas. Should a question arise as to the degree of traditional custom, a decision by the board of zoning appeals shall rule.

(24) "House trailer." See mobile home.

(25) "Interchange." A system in conjunction with a grade separation of interconnecting roadways providing for the interchange of traffic between two or more roadways on different levels.

(26) "Interstate highway." A roadway having separate lanes for opposing directions of traffic with a wide median strip between and having full controlled access.

(27) "Junkyard." A yard, field, or other area used as a place of storage for discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or non-ferrous material, garbage dumps, waste dumps and sanitary fills.

(28) "Land coverage." The relationship between the size of the building site and the total amount of land utilized by principal and accessory buildings.

(29) "Landscape treatment." The site treatment for the purpose of adjusting and improving conditions of climate by providing color change, easing heat, or changing the environment through the provision of a "green space" in
the development of the land. Landscape treatment includes the use of walks, screenings, terraces, fountains, etc. Landscaping can be used to mark entrance points of parking areas. It can also be used to shield or define service areas and property divisions, and to enhance building scale and forms.

(30) "Loading and unloading space." An area for the loading and unloading of trucks or other vehicles.

(31) "Lot." A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required under chapters 2 through 14 of this title.

(a) "Lot lines." The boundaries dividing a given lot from the street, an alley, or adjacent lots.

(b) "Lot of record." A lot whose existence, location, boundaries, and dimensions have been legally recorded or registered in a deed or plat and filed as a legal record.

(32) "Manufactured home." See mobile home.

(33) "Massage parlor." An establishment or place primarily in the business of providing massage services.

(34) "Mining." The process involved in the extraction of mineral materials.

(35) "Mining, accessory use." Uses incidental and subordinate to mining, located on the same site, such as stockpiling, sorting, screening and washing, but not including a concrete or asphalt plant.

(36) "Mining, sub-surface." Underground mining using the room and pillar method.

(37) "Mining, surface." The process for commercial removal of materials from the surface of the earth.

(38) "Mobile home." Means a portable or moveable single-wide manufactured home or structure designed and constructed to permit long-term occupancy that is permanently mounted on a single chassis with or without a permanent foundation.

(39) Deleted by Ord. #00-2176.

(40) "Mobile home court." A parcel of land which provides spaces and other facilities for permanent occupancy by twenty-two (22) or more mobile homes, and which is licensed under applicable ordinances regulating mobile home courts.¹

(41) "Modular home." Factory manufactured housing, not self-propelled, neither designed nor constructed to allow attachment of wheels to either an axle or its frame, and designed for use as a residence, office, apartment, storehouse, warehouse, or any other similar purpose.

"Non-conforming use." A use of a building or of land lawful at the
time of the enactment of ordinance No. 1962-294 that does not conform with the
provisions of chapters 2 through 14 of this title for the district in which it is
located.

"Nudity." The showing of the human male or female genitals, pubic
area or buttocks with less than a fully opaque covering, or the showing of the
female breast with less than a fully opaque covering of any portion thereof below
the top of the nipple, or the depiction of covered male genitals in a discernibly
turgid state.

"Nursing home." Any institution or facility defined as such
pursuant to Tennessee state law or the rules and regulations for nursing homes
promulgated by the Tennessee Department of Health and Environment. This
term applies equally to Christian Science Sanitoria and services therein.

"Portable sign." A portable sign shall include any commercial
advertising sign or device, banner, counterbalance sign, trailer sign, or any
variation thereof, located on the ground or suspended, easily moveable, not
permanently attached thereto, and which is usually a two-sided sign, and
including any single or double surface painted or poster panel type sign, or any
variations thereof which are temporary in nature.

This section is not intended to prohibit: political, realestate, auction or
yard/garage sale signs on premises of activities/event with permission of the
tenant/leasee/owner, which are not in violation of any other related section, and
are not over 16 square feet in area per face.

"Quarry." A lot or land or part thereof used for the purpose of
extracting stone, sand, gravel, or topsoil for sale and exclusive of the process of
grading a lot preparatory to the construction of a building for which application
for a building permit has been approved.

"Rap parlor." An establishment or place primarily in the business
of providing nonprofessional conversation or similar services for adults.

"Regulatory flood." For purposes of chapters 2 through 14 of this
title, a flood event having a 1% chance of occurring in any given year, although
the flood may occur in any year, i.e., the 100-year flood.

"Regulatory flood elevation." The crest elevation in relation to
mean-sea-level expected to be reached by the regulatory flood at any given point
in an area of special flood hazard.

"Sadomasochistic abuse." Flagellation or torture by or upon a
person clad in undergarments, a mask or bizarre costume, or the condition of
being fettered, bound or otherwise physically restrained on the part of one so
clothed.

"Sauna." An establishment or place primarily in the business of
providing steam baths or massage services.

"Self-service storage facility." A structure or group of structures
consisting of individual, self-contained units that are leased or owned for the
storage of business or household goods or supplies.
(53) "Sexual conduct." Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such a person be a female, her breast.

(54) "Sexual excitement." The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(55) "Sign." Any structure or part thereof which displays or includes any letter, word, model, insignia, device, or representation which is in the nature of an announcement, direction, or advertisement.

(56) "Significant structure." Any structure that is at least fifty (50) years old and is listed on, or eligible for listing on, the National Register of Historic Places, is locally designated as a historic landmark or part of a local historic district or is determined to be associated with one or more historic persons or events significant in the history of the City of Lebanon, State of Tennessee or United states of America.

(57) "Speciality retail." Establishments of five thousand (5,000) square feet or less of gross floor area engaged in the sale of goods for consumer or household use. Typical uses include the sale of objects of art, antique shops, gift shops and boutiques.

(58) "Specified anatomical areas." Less than completely and opaquely covered human genitals, pubic region, buttock, 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.

(59) "Specified sexual activities." (a) Human genitals in a state of sexual stimulation or arousal.

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

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(60) "Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Publ. L. 97-348))." Includes substantial improvement, and means the date the building permit was issued, provided that actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab 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.

(61) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion
of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

(a) "Half-story." A story under a sloping roof, the finished floor area of which does not exceed one-half (1/2) of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area of the floor immediately above.

(62) "Street." Any public or private way twenty-five (25) feet or more in width set aside for public travel. The word "street" shall include the words "road," "highway," and "thoroughfare."

(a) "Centerline of street." That line surveyed and monumented by the City of Lebanon as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(63) "Structure." Any constructed or erected material or combination of materials, the use of which requires a location on the ground, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fences, and signs.

(64) "Subdivision entrance sign." Any sign, wall, or fence located at the entrance of a subdivision for the purpose of permanently identifying the subdivision or providing a unique appearance for the entrance to the subdivision.

(65) "Text amendment procedure." The text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205.

(66) "Total floor area." The area of all floors of a building including finished attics, finished basements, and covered porches used for purposes of habitation.

(67) "Travel trailer." A vehicular portable structure having a body width not exceeding eight (8) feet (pick-up, piggy-back, or motorized camper, converted bus, tent-trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes.

(68) "Travel trailer park or court." A parcel of land which provides spaces and other facilities for temporary occupancy by travel trailers and which is licensed under applicable ordinances regulating travel trailer parks.

(69) "Upper story residential." A residential living unit located above the ground floor of a building.

(70) "Warehouse." The storage of materials, equipment or products within a building or outside for manufacturing use or for distribution to wholesalers or retailers.

(71) "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 chapters 2 through 14 of this title.
(a) "Front yard." The yard extending across the entire width of
the lot between the front lot line and the nearest part of the principal
building, including carports and porches.
(b) "Rear yard." The yard extending across the entire width of
the lot between the rear lot line and the nearest part of the principal
building, including carports and porches.
(c) "Side yard." A yard extending along the side lot line from
the front yard to the rear yard, and lying between the side lot line and the
nearest part of the principal building, including carports and porches.
(1968 code, § 11-203; as amended by ord. 82-492, § 1; ord. 86-543, § 1; ord.
87-564; ord. 91-854, § 1, modified; ord. #95-1286, § 1, April 1995;
ord. #93-1096, § 1, Dec. 1993; Ord. #97-1675, Jan. 1998; Ord. #98-1744,
Ord. #00-2176, Feb. 2001; Ord. #04-2632, April 2005; Ord. #05-2819, Nov.
2005, Ord. #06-2954, Aug. 2006; Ord. #06-2983, Oct. 2006; Ord. #08-3362,
Oct. 2008; and Ord. #08-3445, Nov. 2008)

14-204. Zoning affects every building and use. No building or land
shall hereafter be used and no building or part thereof shall be erected, moved,
or altered unless for a use expressly permitted by and in conformity with the
regulations herein specified for the district in which it is located, except as
hereinafter provided. (1968 code, § 11-204)

14-205. Mobile homes to be located in licensed mobile home
courts only.
(1) Mobile homes brought into the corporate limits after the effective
date of these provisions, shall be required to locate within an approved mobile
home court. Mobile homes on the lot of an authorized and licensed mobile home
dealer exhibiting the same for sale are exempt from this requirement.
(2) Mobile homes constructed as a residential unit, or used as a
residential unit, located within the city, but outside a duly licensed mobile home
court, prior to the effective date of the above requirement, shall have a period
of ten (10) years from the adoption of these provisions within which to comply
with these provisions. (1968 Code, § 8-717, as amended by Ord. #97-1720, Jan.
1998)

14-206. Continuance of nonconforming uses and/or buildings. Any
structure or use existing at the time of enactment of or subsequent amendment
to chapters 2-14 in this title, but not in conformity with its provisions, may be
continued with these limitations:
(1) A nonconforming use shall not be changed to another
nonconforming use.
(2) A nonconforming use shall not be re-established after
discontinuance for one (1) year.
(3) A nonconforming use of land shall be restricted to the lot occupied and uses of land shall be discontinued and all nonconforming buildings or structures shall be torn down, altered, or otherwise made to conform within twenty-five (25) years from the date of the adoption of the provisions of chapters 2 through 14 of this title with the exception of junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factory, which shall be torn down, altered, or otherwise made to conform within four (4) years from the date of the adoption of the provisions of chapter 2 through 14 of this title. Advertising signs and billboards except those specifically permitted shall be removed as a nonconforming use within ninety (90) days from the date of adoption of the provisions of chapters 2 through 14 of this title. Information signs shall be continued only with the written approval of the board of zoning appeals. Mobile homes located outside a duly licensed mobile home court shall conform within a period of ten (10) years after the date of June 30, 1968 (1968 code, § 11-205)

14-207. **Only one principal building on any lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot within all of the residential zoning districts except the R-2, RP-2 and RM-6 districts.

This provision does not prohibit group housing development as permitted within the RP-2 and RM-6 zoning districts. More than one (1) principal building may be erected on any lot within the business, commercial and special zoning districts, provided that all bulk, area, yard and other requirements of that particular zoning district are met. (1968 code, § 11-207; as amended by Ord. #04-2657, Oct. 2004)

14-208. **Fall-out shelters.** Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for the principal or accessory uses prohibited expressly or by implication in the district. (1968 code, § 11-207)

14-209. **Reduction in lot areas 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 chapters 2 through 14 of this title are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No lot shall be sold, divided, or set off in such a manner that the portions sold, divided, or set off, or the portion remaining shall be less than the minimum...
size prescribed by the regulations relating to the district in which it is situated. (1968 code, § 11-208)

14-210. **Required yard not to be used by another building.** No part of a yard or other open space required of any building for the purpose of complying with the provisions of chapters 2 through 14 of this title shall be included as a part of a yard or other open space required by chapters 2 through 14 of this title for another building. (1968 code, § 11-209)

14-211. **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 from the street line, center line of the street, or property line 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. (1968 code, § 11-210)

14-212. **Fencing for residential zoned and/or used properties.**

(1) Fencing located between the front of the primary structure and the street shall be limited to a maximum of four feet (4') in height as measured from the finished grade elevation. Corner lots shall be considered as having two (2) fronts for the purposes of this section. A maximum height of six feet (6') may be permitted for fences located along the rear lot line of through or reverse-frontage lots.

(2) The structural side of the fence, top and bottom rails, shall face the interior of the property, not the street or adjoining property.

(3) These regulations shall apply to all properties zoned residential as well as non-residentially zoned properties that are being used for residential purposes. (as added by Ord. #09-3506, April 2009)

14-213. **Obstruction to vision at street intersections prohibited.** In all districts except the B-2 District (Central Business), on a corner lot within the area formed by the centerlines of intersecting streets and a line joining points on such centerlines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3½) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (1968 code, § 11-211, as renumbered by Ord. #09-3506, April 2009)

14-214. **Required off-street parking.** (1) Spaces provided for one use may not be provided for another use at the same time, except that one-half (½) of the parking space required for churches, theaters, or assembly halls whose
peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night and on Sunday.

(2) No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling area requirements of off-street parking required by the terms of chapters 2 through 14 of this title.

(3) No required parking space may be substituted for a loading space nor may any required loading space be substituted for a parking space.

(4) Where a proposed use has no parking standard identified herein, the applicable Institute of Traffic Engineers (ITE) standards shall apply.

(5) Minimum parking spaces required:

- **Agricultural, mining, quarrying.** 1 space per 2 employees of maximum shift.
- **Airport.** 1 space per 100 sq. ft. of waiting room.
- **Animal care.** 1 space per 300 square feet of floor space.
- **Art gallery.** 4 spaces per 1000 sq. ft.
- **Asylum or sanitarium.** 1 space per 2 beds.
- **Auction house.** 1 space per 4 seats.
- **Auditorium, church, stadium, other place of public assembly.**
  - Church: 1 space per 6 seats.
  - Auditorium/stadium: 1 per 2.5 seats plus 1 per employee of largest shift. Where seating is not a measure of capacity, 1 space per 200 square feet of floor space.
- **Auto wash/self service.** 3 stack-up spaces per washer bay.
- **Auto wash/conveyor type.** 5 spaces per bay.
- **Automobile/truck repair.** 2 per service stall, or 1 per 250 square feet of service area, whichever is greater, plus 2 per 3 employees.
- **Automobile sales new/used.** 5 spaces plus 1 per 200 square feet of floor area.
- **Automobile service.** 1 per 500 square feet plus 1 per business vehicle and 2 per grease rack or indoor service stall.
- **Bank drive-in.** Space to accommodate autos equal to 5 times the number of teller windows.
- **Bank, business office.** 1 space per 300 square feet of usable floor area, plus 1 per 3 employees. 1 per 300 square feet plus 1 per 3 employees.
- **Bar or tavern.** 1 space per 50 sq. ft.
- **Barber shop/beauty parlor.** 2 per barber or 3 per beautician.
- **Bed and breakfast.** 1 space per room, plus 2 per permanent residents.
- **Billiard hall.** 1 space per 10 persons of design capacity.
- **Boarding house and rooming house.** 1 per sleeping room plus 1 per non-resident owner or employee.
- **Bowling alley.** 4 per lane plus 1 per employee of largest shift.
Bus/train terminal. 1 space per 200 square feet of waiting room space.

Carpet, rug, linoleum, floor covering sales. 1 per 500 square feet plus 1 per business vehicle.

Cartage/express/parcel delivery. 1 space per 2 employees on largest shift plus 1 space per company auto.

Clubs/lodges/country clubs. 1 space per 400 square feet of floor area plus 1.5 spaces per hole for golf course, 2 spaces per tennis court, 1 space per 100 square feet of surface for swimming pool.

Coin operated laundry/dry cleaning. 1 per 2 washing machines, or 1 per 200 square feet.

College/university district. Residential shall have 2 spaces per unit. All other uses shall have a minimum of 1 space for each 5 classroom seats plus 1 space for each 3 seats in an auditorium.

Community center. 4 spaces per 1000 sq. ft.

Construction sales and service. 1 space per 1000 square feet of floor area.

Consulate/consular office. 1 space per 4 employees.

Contractor’s yard. 1 space per 200 square feet plus 1 space per employee.

Convenience market. 2.71 space per 1000 square feet of floor area.

Convenience sales and service. 1 space per 150 square feet of floor area.

Convent. 1 space per 1000 sq. ft.

Cultural-non-assembly. 1 space per 500 square feet of floor area.

Dance hall. 1 space per 100 sq. ft. plus 1 space per employee.

Day care center. 1 per employee, plus 1 per 200 square feet of gross floor area of 1 per 8 pupils, whichever is greater.

Discount store. 1 per 400 square feet plus 1 per business vehicle.

Dwelling. 2 spaces per dwelling unit.

Elderly housing/group housing. 1 space per 4 beds plus 1 space per employee (average of 3).

Employment agency. 5 spaces per 1000 sq. ft.

Fire or police station. 1 space per employee and 1 space per 3 volunteer personnel on a normal shift. If a business office is included, 1 space per 200 sq. ft.

Funeral home. 1 space per 100 square feet.

Furniture/major appliance. 1 space per 400 square feet of floor area.

Gasoline service station. 1 per employee, plus 2 per service bay or 1 space per 3 fuel pumps, whichever is greater.

Gymnasium. 1 space per 3 persons of maximum occupancy load, plus 1 space per employee. In those instances when memberships are
provided for, not less than 1 space per 3 memberships shall be provided, plus 1 space per employee.

Hardware store. 1 space per 400 sq. ft.

Headquarters, corporate. 2.5 spaces per 1000 sq. ft.

Home improvement store. 2.85 spaces per 1000 square feet of floor area.

Hospital. 1 space per 4 beds plus 1 space per 2 staff and visiting doctors.

Hotel. 1 space per guest unit and 1 space per 200 square feet of public meeting rooms and restaurants.

Junk yard/salvage yard. 1 space per employee, plus 1 per 10,000 sq. ft. of storage area.

Landfill. 1 space per 2 employees of maximum shift.

Laundry/dry cleaning collecting station. 1 space per 400 square feet of floor area.

Library/museum. 1 space per 400 square feet of floor space.

Liquor store. 1 space per 400 square feet of floor area.

Lumberyard. 1 space per 500 sq. ft.

Manufacturing/industrial use. 1 per 2 employees of largest shift plus space for all vehicles associated with use.

Marina. 1.5 spaces per boat slip.

Mausoleum. Parking area equal to ground floor area.

Medical/dental clinic. 3 spaces per doctor plus 1 space per employee.

Mobile home parks. 2 paved, off-street, spaces for each mobile home space located on the same site as the mobile home served--front or side yard only. Parking for the clubhouse/office shall be a minimum of 2 parking spaces for every 20 mobile home spaces.

Motel/tourist court. 1 space per guest unit and 1 space per 200 square feet of public meeting rooms and restaurant.

Nursery-Plant. 1 per 2 acres of land within the lot where the use is located, or 5 spaces, plus 1 per business vehicle.

Nursing home. 1 space per 4 beds plus 1 space per employee.

Office unit. (more than one office in a building) 1 space per 300 square feet of floor area (governmental office). 1 space per 250 square feet of floor area.

Office. 1 space per 300 square feet.

Park. 1 space per 3 users at maximum utilization.

Photography studio. 5 spaces per 1000 sq. ft.

Plumbing/heating supply. 1 space per 1000 sq. ft. plus 1 per employee and 1 per company vehicle, plus 1 space per 10,000 sq. ft. of open lot or storage area.

Post office. 4 per 1000 sq. ft.

Radio/TV station. 1 space per 2 employees.
Recreation/amusement/community building. 1 space per 3 patrons based on design capacity.
Restaurant. 1 per employee, plus 8 per 1000 square feet of gross floor area or 1 per 3 seats, whichever is greater.
Restaurant, fast-food. 1 space per 60 sq. ft. with a minimum of 4 spaces.
Retail, outdoor. 1 space per 1000 sq. ft. used for display purposes.
Retail store/personal service except as otherwise specified herein.
1 space for each 200 square feet of floor space.
School dance. 1 space per 200 sq. ft.
Schools-all.
  Kindergarten/day schools. 2 spaces per 3 teachers and employees plus 1 loading space per 8 pupils.
  Elementary/junior high. 1 space per classroom plus 1 per 100 students, based on capacity.
  High school. 2 spaces per 3 teachers and employees plus 1 space per 5 students, or 1 space per 150 square feet of seating area in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is greater.
Self-service storage facility. 1 space per 100 individual storage spaces, 2 per manager and 1 per additional employee with a minimum of 3 spaces.
Shopping center. 5 spaces per 1000 square feet of floor area within the principal building excluding theaters, restaurants, banks, auto service stations which shall comply with the parking requirements for their particular use.
Skating rink. 1 space per 200 sq. ft.
Stables. 1 space per horse at designed capacity.
Stadium/sports arena. 10 per acre of land plus 1 per 4 spectator seats.
Supermarket. 1 space per 250 square feet.
Swimming pool. 1 per 30 square feet of water area.
Theater. 1 space per 3 seats based on design capacity.
Transport and warehousing. 1 space per 1000 sq. ft. or 1 space per employee, whichever is greater.
Travel trailer courts. 1 space shall be provided for court occupants within each travel trailer space. Additional spaces for court employees, delivery and service vehicles, and occasional two-car occupants shall be provided at the rate of at least 2 spaces for each 5 travel trailer spaces up to twenty.
Undertaking service. 1 space per 100 square feet of floor area or with a chapel, 1 space per 4 permanent seats plus 1 space per 25 square feet where temporary seats are used.
Wholesale establishment/business service. 1 per each 50 square feet of customer service area, plus 2 per 3 employees based on the design capacity of the largest shift.
Zoo. 1 space per 2000 sq. ft. of land area.
Other business building or use. 1 square foot of parking space for each 1 square foot of lot covered by buildings.

(6) **Off-street automobile parking spaces**. All off-street parking spaces shall be provided on each zone lot and each such space shall be provided with vehicular access to a street or alley and shall be equal at least to the minimum requirements as set forth in the illustration below.\(^1\) All parking and loading of vehicles shall be on the site.

(7) **Surfacing**. All off street parking areas for both employees and visitors shall be surfaces with asphalt, concrete or equivalent material. Loading docks, delivery and/or service entrance areas shall also be surfaced as mentioned above.

Storage areas larger than two (2) acres in industrial zones, M1, M2, and M3 are exempt from the paving requirement. The planning commission shall have discretionary authority to grant an exemption for a storage area less than two (2) acres, subject to the consideration by the commission as to any ill effect such approval may have on adjacent and/or surrounding properties, and/or the use of such properties. Storage lots shall be constructed of washed crushed stone and shall be a minimum 6" in depth. Travel ways through storage areas shall be surfaced with asphalt, concrete or equivalent material. In the event an owner or developer believes the paving of the travel way would result in a specific hardship or would not be feasible to a particular use of the property, he may request a variance relief from the board of zoning appeals.

The owner/developer shall submit a detailed screening/landscape plan indicating the specific size, type and location of trees, shrubs, berms, fencing, etc. he proposes to install to protect adjacent properties against storage areas.

Storage areas shall be constructed so as to provide for adequate drainage of both on and off-site storm water. In no case shall drainage be allowed to cross sidewalks.

(8) **Lighting**. Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way so as not to create a nuisance, and such lighting shall not exceed .5 foot candle at or above any residential district boundary or commercial district boundary where residences are located and/or permitted.

(9) **Drainage**. All driveways shall be constructed with proper drainpipes sized for the amount of water each should carry. Such pipes may be of concrete or metal, and headwalls and endwalls shall be constructed.

(10) **Text amendment procedure**. The text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205. (1968 code, § 11-212, as amended by Ord. #90-797, § 1, Ord. #97-1675, Oct. 1997; Ord. #01-2194, Jan. 2003; and Ord. #04-2573, April 2004, as renumbered by Ord. #09-3506, April 2009, and Ord. #08-3362, Oct. 2008)

\(^1\)The illustration appears on the page following 14-19.
14-215. Conformance to minimum off-street parking requirements. Existing land uses not in conformity with the minimum off-street parking requirements, but otherwise fulfilling the requirements as stated in chapters 2 through 14 of this title, shall use any available land which is a part of any use to conform to those minimum off-street parking requirements provided that such land does not lie within any residential district. Available land existing as a part of any use requiring off-street parking may be used for building purposes only after the off-street parking requirements have been met. (1968 code, § 11-213, as renumbered by Ord. #09-3506, April 2009)

14-216. Provisions in lieu of off-street parking. If vehicle storage or parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit space to be provided on other off-street property provided that such space lies within four hundred (400) feet of the main entrance to such principal use and provided that such space does not lie within any residential district. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. This provision does not apply to the B-3 Districts (Restricted Business) or B-4 Districts (Highway Business). (1968 code, § 11-214, as renumbered by Ord. #09-3506, April 2009)
MINIMUM REQUIRED DIMENSIONS OF PARKING FACILITIES

PARALLEL

30°

45°

60°

90°

WHEEL STOP

WALKWAY

PEDESTRIAN WALKWAY

DOUBLE LOADED ROW

WITHOUT OVERHANG

WITH OVERHANG

AISLE WIDTH

(Ord. #01-2194, Jan. 2003)
14-217. Site plan requirements. The intent of this section is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular type of development proposal, to the Lebanon Planning Commission in accordance with the following procedures.

Upon approval by the planning commission, a site plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the site plan. Any site plan approved by the planning commission prior to the effective date of this regulation shall become void twenty-four (24) months after the effective date of this regulation unless a building permit has been issued based upon the site plan.

(1) Applicability. Proposals for the location or construction of a single principal structure on a lot (with the exception of single-family and two-family dwellings) shall be submitted according to the requirements in this section.

Proposals to construct a new structure or alter or add to an existing structure shall be submitted according to the requirements of this section. Site plan review, either by the Lebanon Planning Commission or as a minor site plan, is required for site alterations, including but not limited to, the installation of new parking areas and loading areas.

Proposals to alter or add to an existing structure subject to these regulations will be looked at on a case-by-case basis with respect to compliance with these regulations. The extent to which an existing developed site will be required to comply with these regulations will be looked at on a case-by-case basis taking into account the square footage of any addition and the percentage of change to the structure. Every attempt shall be made to comply with these regulations while being sympathetic to an existing structure. With respect to existing developed sites, incremental improvements may be required with every addition or alteration. Incremental improvements could include, but are not limited to, screening of mechanical equipment, the addition of parapet walls, or additional landscaping to screen structures consisting of building materials that do not comply with these regulations.

(2) Landscaping and screening. The review of landscaping plans by the planning commission shall be conducted in conjunction with any required site plan review.

(a) Each site shall be developed with a minimum of ten percent (10%) of its area landscaped with green treatments, unless otherwise required elsewhere in title 14. Such green treatment shall include, but not be limited to, trees, shrubs, flowering plants, grass or other groundcover.

(b) A minimum of one-half (1/2) of the required landscaping shall be located between the street property lines and any structures.
There shall be maintained a strip of landscaped ground at least ten feet (10') in width along the street property line, exclusive of drives and walks.

All undeveloped land on a site shall be landscaped, consisting of a combination of trees, shrubs, flowering plants, grass or other groundcover.

The location, species, size and quantity of all landscaping shall be provided on the site plan or as a separate landscape plan.

Developers are encouraged to maintain existing trees and incorporate them into landscape areas. The planning commission may allow existing vegetation to meet or partially meet these requirements if it is deemed that the existing vegetation meets the intent of the requirements.

Along all street frontages, street trees shall be planted so that a minimum of one (1) tree is required for every forty feet (40') of street frontage. The applicant has the option of planting the required street trees in a pattern other than one (1) every forty feet (40') so long as the minimum number of trees planted complies with the formula of there being one (1) tree every forty feet (40').

Example:
Parcel is on a corner with one hundred feet (100') of frontage along one street and one hundred fifty feet (150') of frontage along the other street.

100-foot frontage – 100 divided by 40 equals 2.5 trees, therefore round-up to 3 trees, the 3 trees may be planted in any combination so long as 3 trees are planted along that street frontage.

150-foot frontage – 150 divided by 40 equals 3.75 trees, therefore round-up to 4 trees, the 4 trees may be planted in any combination so long as 4 trees are planted along that street frontage.

The trees may be planted so that they are equally spaced along the street frontage, grouped in some way, or in any combination thereof.

Street trees may be planted in the right-of-way or public utility and drainage easements if they are one of the following, subject to approval of the City of Lebanon Public Works Department.

Crapemyrtle (appropriate under power lines);
Kouse Dogwood;
Flowering Crab Apple;
Yoshino Cherry;
Star Magnolia;
Little Gem Magnolia;
Chinese Elm;
(viii) Eastern Redbud;
(ix) American or European Hornbeam;
(x) Honey Locust (thornless);
(xi) Hawthorne (thornless).

Otherwise, the required street trees shall be planted outside of any rights-of-way and public utility and drainage easements.

(i) Where parking is located along the street frontage, shrubs measuring at least two feet (2') in height at planting shall be incorporated on five foot (5') centers between the street tree plantings.

(j) Where a commercial or industrial use of property abuts a residential or agricultural district, a landscaped buffer area a minimum of ten feet (10') in depth shall be incorporated along the edges of the property adjacent to the agricultural or residential district. This buffer shall be planted entirely on the commercial or industrially zoned parcel. The buffer shall include evergreen trees planted on twenty foot (20') centers with a five foot (5') offset. Said trees shall be four to six feet (4' – 6') in height at time of planting. Evergreen shrubs and/or small deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted.

(k) In order to protect safe sight visibility lines for street intersections, landscape buffers and shrubs shall not be located within twenty-five feet (25') of a street corner.

(l) The owner, or his/her agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and buffering as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

(3) Orientation of structures. Structures shall be oriented such that their main entrances are visible from the public right-of-way. Lots that have frontage on more than one (1) street, both corner and through lots, shall orient the structure(s) to present the appearance of a building front toward each street frontage. Service areas and/or loading areas shall be located away from the street and adequately screened as otherwise required in this section.

(4) Building materials. In order to ensure compliance with this section of the requirements, scale architectural drawings of all building elevations shall be submitted for review and approval of the planning commission. The drawings shall be of sufficient detail to explain the type and, if appropriate, color of proposed materials. The review of architectural drawings by the planning commission shall be conducted in conjunction with any required site plan review.

Requirements with respect to the minimum information that shall be provided in order to appropriately evaluate the proposed building design are as follows:
• Scale drawings of the building elevations for all sides of all structures with materials called out for walls, roofs, trim and windows.

• Material samples may be required, at the discretion of the planning commission and/or staff.

• Color samples shall be required if materials such as split-face block or concrete tilt-up panels are proposed.

(a) Within commercial zones, all sides of a structure(s) that front along a public street(s) or dedicated right-of-way shall consist primarily seventy-five percent (75%) of brick, stone or some other product deemed appropriate by the planning commission. This requirement is not meant to limit the window area proposed for a structure, rather it applies only to those solid portions of the structure. This requirement applies to internal lots, corner lots and through lots. Concrete block and other related concrete-masonry block materials are not permitted on the sides of a structure facing a public street or dedicated right-of-way. If they are used on the rear of a structure that is not visible from a public street(s) or dedicated right-of-way, they shall be painted/stained to be similar in color to the other sides of the structure. Manufactured pre-cast concrete panels are not considered stone or brick materials, and their use within commercial districts is prohibited on the sides of the structure facing a public street or dedicated right of way. Metal siding is considered unacceptable on the sides of the structure facing a public street or dedicated right-of-way unless used as an accent material.

(b) Within industrial zones, the sides of a structure(s) that front along a public street(s) or dedicated right-of-way shall consist primarily seventy-five percent (75%) of brick, stone, pre-cast concrete panels, concrete block or other related concrete-masonry block materials painted/stained to have the appearance of brick, or some other product deemed appropriate by the planning commission. This requirement applies to internal lots, corner lots and through lots. Metal siding is considered unacceptable on the sides of the structure facing a public street or dedicated right-of-way unless used as an accent material.

(c) Within both commercial and industrial zones, on property that is not adjacent to a residential zone, the building materials described above shall be extended a minimum of one-half (1/2) of the length of the wall of any adjoining side of the structure that does not front on a public right-of-way. However, structures that are over five hundred feet (500') in length along the shall only be required to extend the above described building materials five hundred feet (500') along the side of the structure.

(d) Building materials on the rear of a structure are not regulated unless the rear of the structure is visible from a public right-of-way or the property is adjacent to a residential zone. If the rear of a structure does not face a public right-of-way, but is visible from a public
right-of-way, the regulations stated above for the sides of a structure shall apply. If the parcel proposed for development is adjacent to a residential zone, the planning commission may require that the same building materials proposed for the street-side of the be extended to all sides of the structure.

(5) Facades, roofs and roofing materials. (a) Lengthy unbroken facades that create a structure that has the appearance of a "box" should be avoided. Examples of how this may be accomplished include providing a material separation or stepping the facade in and out to create a strong shadow line.

(b) Roofs should project beyond the facade. Flat roofs are discouraged, however if flat roofs are proposed they shall incorporate roof overhangs, parapet walls or design features that approximate the look of roof overhangs when viewed from public rights-of-way.

(6) Roof mounted equipment, dumpsters and loading areas. (a) All equipment such as air conditioner units, exhaust fans, vents, satellite dishes, dumpsters and other similar devices shall be fully screened from view from all public rights-of-way.

(b) Screening materials, including dumpster screening, shall be of the same general character and compatible with the materials used for walls and roofs. When ground mounted, the screening materials shall consist of opaque materials and landscaping.

(c) Dumpster screening shall consist of a solid wall at least six feet (6') tall and landscape area along all sides (except the area where the door is located). The walls shall be of materials other than sheet metal or chainlink with slats. The gate at the entrance to the dumpster shall be on a metal frame. The landscape area around the dumpster screening shall be at least five feet (5') in depth and be planted with shrubs and/or trees. Every effort shall be made to orient the dumpster and related screening so that the gate does not face a street or public right-of-way.

(d) Loading areas for structures located in a commercial zoning district shall be fully screened from view from all public rights-of-way. Screening materials shall include an opaque wall or fence using materials of the same general character and compatible with the materials used for walls or consist of a landscape area at least ten feet (10') wide. The landscape area shall include trees planted at twenty feet (20') centers with shrubs interspersed among the trees.

(e) Loading areas for structures located in an industrial zoning district may be visible from the road if a buffer area at least ten feet (10') wide is provided between the loading area and the public rights-of-way. This buffer area shall include evergreen trees planted on thirty foot (30') centers with a five foot (5') offset. Said trees shall be four to six feet (4' – 6') in height at time of planting. Evergreen shrubs and/or small
deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted.

(f) In order to protect safe sight visibility lines for street intersections, do not locate screens within twenty-five feet (25’) of a street corner or a driveway entrance.

(7) **Miscellaneous structures and hardware.** (a) Customized miscellaneous structures and hardware such as mailboxes, trash receptacles, benches, bicycles racks, planting pots, etc. shall be designed as an integral part of the design concept for the development and shall consist of complementary materials.

(b) Customized hardware, which is in keeping with the character of the overall development, is encouraged over the use of standardized prefabricated hardware. The use of custom enclosures is also preferred.

(8) **Utility or storage structures and outdoor storage.** (a) Structures used for the storage of equipment or supplies shall use the same materials as the principle structure.

(b) Outdoor storage areas (not including sales display areas for new retail/wholesale products including car and boat sales) shall be screened from view from all public rights of way. Outdoor storage areas shall be screened by an opaque fence/wall at least six feet (6’) tall.

(9) **Off-site signs and subdivision signs.** Proposals for the construction or placement of off-site signs and permanent subdivision entrance/identification signs shall be submitted according to the provisions outlined in this section.

(10) **Content of site plans.** The following information shall appear on the face of the site plan.

(a) Boundary information for the site, including property corners marked with iron pins and stakes;

(b) Building area;

(c) Building setback line(s);

(d) Date;

(e) Date of revision;

(f) Drainage ways and drainage patterns, existing and proposed;

(g) Easements for drainage and utilities;

(h) Landscape areas including required amount of open space and square footage of each landscaped area;

(i) Loading and unloading area(s);

(j) Location map;

(k) Location and size of existing and proposed public utilities (water, sewer, gas, electric and fire hydrants), noted as existing or proposed;

(l) Lot area;
(m)  Name, address, and telephone number of the owner and/or developer;
(n)  Name, address, and telephone number of the designer and/or preparer of the site plan;
(o)  Names of all public streets adjoining the property, centerline of right-of-way, distance from centerline to property line, total right-of-way width, limits of existing pavement, and location of existing access points (streets and driveways) across from the site;
(p)  North point arrow;
(q)  Parking spaces including ratio used to calculate the required number of parking spaces, number of parking spaces required, number of parking spaces required and labeling of handicap spaces;
(r)  Points of ingress and egress;
(s)  Scale (must be one (1) inch = ten (10), twenty (20), thirty (30), forty (40), fifty (50), sixty (60), or one hundred (100) feet);
(t)  All proposed signage except those signs proposed to be mounted to a structure, including the proposed location(s), size(s) and height(s);
(u)  Tax map and parcel number;
(v)  Title, giving complete name of business (not duplicated);
(w)  Use;
(x)  Location of the 100-year flood plain, floodway and proposed finished floor elevation (if applicable), and description and elevation of a reference bench mark;
(y)  Notes as required in § 14-215;
(z)  Such other engineering and topographic data as may be required by the board of zoning appeals and/or the planning commission and/or city department of public works to determine if the provisions of these regulations are being complied with;
(aa)  Sidewalks along all street frontages in accordance with follows:
   (i)  All sidewalks shall be ADA compliant.
   (ii) Sidewalks located on collector streets and arterial streets shall be a minimum of six feet (6') wide and five feet (5') wide elsewhere. All sidewalks shall be unobstructed, meaning that while sidewalks can be wider then the minimum width above, the minimum width shall not be obstructed.
   (iii) Sidewalks shall be installed six feet (6') from the back of the street curb to the nearest edge of the sidewalk. In such location where site constraints do not permit a six foot (6’) grass area, the city engineer shall have the authority to reduce the setback of the sidewalk, but in no case shall the grass area be less then two feet (2’); such relief shall be the minimum deviation that will make possible the reasonable use of the site.
(iv) Any sidewalks currently in place at the time of a site plan review that do not meet the requirements listed above or that are in poor condition shall be improved.

(v) Sidewalks shall be constructed whenever an existing principal building is cumulatively renovated or expanded to increase its floor area by twenty-five percent (25%) or more.

(bb) Dumpster pad location(s) and proposed screening, including material(s) and landscaping.

(11) **Required notes.** Dumpster pad location(s) and proposed screening, including material(s) and landscaping.

(a) Drainage easements outside dedicated public rights-of-way are not the responsibility of the City of Lebanon.

(b) If a natural drainage channel (or sink hole/depression) exists on the property, the following note must appear: "No cut, fill, or construction within twenty-five (25) feet of top of stream bank (or sink hole/depression)."

(c) If a drainage way appears as a blue line on a USGS 7½ minute quadrangle map, the stream must be identified as such and the following note must appear: "No alteration of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."

(d) This property is not (is) in an area designated as a special flood area as shown on Community/Map Number _____/_____, Effective Date _____.

(e) Natural drainageway and sink hole note (if applicable) Note: When a natural drainage channel (or sink hole/depression) exists on the property, sufficient data must be provided to show that any disturbance of the natural drainage channel (or sink hole/depression) can be accomplished with a minimal impact on the performance of the storm water drainage system in the area. Otherwise, the above mentioned not in subsection 5(c) above must appear.

(12) **Required certificates.** The following certificates shall appear on the face of the site plan and shall be signed by the appropriate city officials prior to issuance of a building permit:
CERTIFICATE OF APPROVAL FOR ISSUANCE OF BUILDING PERMIT

This site plan was approved by the Lebanon Planning Commission on _____________. All corrections and conditions required by the planning commission have been incorporated onto the site plan. This site plan is approved for issuance of a building permit.

By: _______________ Date: _______________

City Planner

This site plan is void unless building permit is applied for by _____________.

CERTIFICATE OF APPROVAL OF FIRE CODE

This site plan meets the requirements of the City of Lebanon Fire Department.

By: _______________ Date: _______________

Fire Marshall

CERTIFICATE OF APPROVAL OF CROSS CONNECTION/PRETREATMENT

This site plan meets the requirements of the City of Lebanon Cross Connection/Pretreatment Programs.

By: _______________ Date: _______________

Cross Connections/Pretreatment Official

CERTIFICATE OF APPROVAL OF DRAINAGE AND UTILITIES

The utilities and drainage shown on this site plan have been reviewed and approved by the Lebanon Department of Public Works.

By: _______________ Date: _______________

(1968 code, § 11-215, as amended by ord. 86-531, § 1, ord. 88-602, § 1, ord. 88-657, § 2, as replaced by ord. 90-797, § 2, as amended by ord. 92-927, §§ 1 and 2, modified, amended by Ord. #06-3027, March 2007, Ord. #07-3161, July 2007, and renumbered by Ord. #09-3506, April 2009)

14-218. Future street lines. For the purpose of providing adequate space for the widening of streets in the future, the required setback or front yard shall be determined in accordance with the right-of-way width as shown on the official Zoning Atlas of Lebanon, Tennessee Major Thoroughfare Plan which is made a part of chapter 2 through 14 of this title. (1968 code § 11-216, modified, as renumbered by Ord. #09-3506, April 2009)
14-219. **Vehicular access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion by reducing the points of conflict, the following regulations shall apply:

(1) A point of access shall not be allowed within thirty (30) feet of the curb line of any public street intersection in any residential or industrial district.

(2) A point of access shall not be allowed within ten (10) feet of the curb line of any public street intersection in any business district.

(3) A point of access shall not exceed twenty-five (25) feet in width. For those uses in districts other than residential, engaged primarily in vehicular service, the building inspector may issue permits for points of access up to thirty-five (35) feet in width provided the points of access do not exceed fifty (50) percent of the frontage on the street. The applicant shall submit with the application for such a permit a scale drawing of not less than one (1) inch equals twenty (20) feet, showing a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading space.

(4) There shall be no more than two (2) points of access to any one (1) public street on a lot less than two hundred (200) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

(5) The distance between any two (2) points of access shall be no less than twenty-five (25) feet. (1968 code, § 11-217, as renumbered by Ord. #09-3506, April 2009)

14-220. **Classification of districts.** (1) For the purpose of chapters 2-14 in this title, the City of Lebanon, Tennessee, is hereby divided into fourteen (14) classes of districts, designated as follows:

<table>
<thead>
<tr>
<th>Residence</th>
<th>R-1 Districts (Low-Density Residential)</th>
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</thead>
<tbody>
<tr>
<td>Residence</td>
<td>R-1A Districts (Lowest Density)</td>
</tr>
<tr>
<td>Residence</td>
<td>R-2 Districts (Medium-Density Residential)</td>
</tr>
<tr>
<td>Residence</td>
<td>RP2 Districts (Medium-Density Residential-Professional Office)</td>
</tr>
<tr>
<td>Business</td>
<td>B-1 Districts (Local Business)</td>
</tr>
<tr>
<td>Business</td>
<td>B-2 Districts (Central Business)</td>
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<tr>
<td>Business</td>
<td>B-3 Districts (Restricted Business)</td>
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<tr>
<td>Business</td>
<td>B-4 Districts (Highway Business)</td>
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<tr>
<td>Business</td>
<td>B-5 Districts (Interchange Business)</td>
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<tr>
<td>Industrial</td>
<td>M-1 Districts (Industrial Subdivision)</td>
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<tr>
<td>Industrial</td>
<td>M-2 Districts (Light Industrial)</td>
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<tr>
<td>Industrial</td>
<td>M-3 Districts (Heavy Industrial)</td>
</tr>
<tr>
<td>Industrial</td>
<td>M-4 Districts (Business/Manufacturing Parks)</td>
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<tr>
<td>Special</td>
<td>AG (Agricultural) Districts</td>
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<tr>
<td>Special</td>
<td>CU (College/University) Districts</td>
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<tr>
<td>Special</td>
<td>OPD (Open Space Park) Districts</td>
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</tbody>
</table>
(2) The boundaries of these districts are hereby established as shown on the map entitled, "Official Zoning Map of Lebanon, Tennessee," dated April 10, 1962, as amended, which is a part of chapters 2 through 14 of this title and which is on file in the office of the commissioner of finance and revenue.

(3) Unless otherwise indicated on the map, the boundaries are lot lines, the centerlines of the streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of chapters 2 through 14 of this title. Questions concerning the exact location of district boundary lines shall be determined by the board of zoning appeals.

(4) Where a district boundary divides a lot as existing at the time chapters 2 through 14 of this title take 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 that is not more than twenty (20) feet within the more restricted district. (1968 code, § 11-218, modified, as amended by Ord. #98-1775, June 1998; and Ord. #04-2686, Jan. 2005, and renumbered by Ord. #09-3506, April 2009)

14-221. **Zoning of annexed territory.** Any territory annexed by the City of Lebanon will hereafter carry any zoning district classification which it had designated to it by the appropriate jurisdiction prior to the annexation until the city council rezones it according to the city's zoning ordinance. The city of Lebanon will therefore enforce any and all requirements which this prior zoning district classification carried with it in accordance with the prior jurisdiction's zoning ordinance. (Ord. 79-459, §§ 1 & 2, as renumbered by Ord. #09-3506, April 2009)

14-222. **Prohibition of portable signs.** Portable signs are not permitted within the corporate limits of the City of Lebanon, Tennessee from the effective date of this regulation, and all portable signs shall be removed within six (6) months from the effective date of this regulation. (Ord. #98-1744, April 1998, as renumbered by Ord. #09-3506, April 2009)

14-223. **Minimum lot frontage.** No building shall be erected on a lot which does not abut at least one (1) street for at least forty (40) feet. This shall not apply to properties abutting a cul-de-sac, or to those with an easement of at least twenty (20) feet in width to a street which has been accepted as a public thoroughfare. Such building shall conform to the lot and yard requirements of the district in which is located. (as added by Ord. #04-2657, Oct. 2004, and renumbered by Ord. #09-3506, April 2009)

14-224. **Erosion and sedimentation control.** The purpose of erosion and sedimentation control is to regulate grading activity for the prevention of damage to public and private property caused by erosion and subsequent deposition of erosion products, as required by the City of Lebanon's Stormwater
CHAPTER 3

PROVISIONS GOVERNING RESIDENCE DISTRICTS

SECTION
14-301. RR District (Rural Residential Single Family).
14-302. RS-40 District (Low Density Single Family Residential).
14-303. RS-30 District (Low Density Single Family Residential).
14-304. RS-20 District (Low Density Single Family Residential).
14-305. R-1A District (Lowest Density Residential).
14-306. RS-15 District (Low Density Single Family Residential).
14-308. R-1 District (Low Density Residential).
14-309. RS-6 District (Medium-Density Single Family Residential).
14-310. RP-2 District (Medium Density Residential-Professional Office).
14-311. R-2 District (Medium Density Residential).
14-312. RM-6 District (High Density Multi-Family Residential).
14-313. Side yard setback or sprinkler requirements.

14-301. RR District (Rural Residential Single Family). The RR Rural residential single family district is intended to provide for, and encourage, the preservation of agricultural and open lands suitable for very low density single family residential development where public sanitary sewer service is least practical. These districts are designed for residential developments consisting of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments.

Within the RR Rural residential single family districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

1. Uses permitted. (a) Single-family detached dwellings.
   (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than ten (10) percent of the total floor area of the dwelling.
   (c) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses permissible on appeal. Bed and breakfast inns, churches and other places of worship, golf courses, gun clubs and skeet fields, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.
(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area: 130,680 square feet
- Minimum lot width at building line:
  - For residences: 150 feet
  - Other uses: 300 feet
- Minimum depth of front yard:
  - Arterial streets: 75 feet
  - Collector streets: 75 feet
  - Minor streets: 75 feet
- Minimum depth of rear yard: 40 feet
- Minimum side yard on each side of every lot:
  - For one or two story buildings: 40 feet
  - For three story buildings: 40 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed fifteen (15) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .15.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs.
   
   (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

   (b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings.
   
   (a) No accessory building shall be erected in any required front or side yards.
(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within one-hundred and fifty (150) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

14-302. **RS-40 District (Low Density Single Family Residential).**

The RS-40 Low density single family residential district is intended to provide suitable areas for low density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-40 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

1. **Uses permitted.**
   - (a) Single-family detached dwellings.
   - (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.
   - (c) Any accessory use or building customarily incidental to the above permitted uses.

2. **Uses permissible on appeal.** Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

3. **Uses prohibited.** Any use not specifically permitted or permissible on appeal.

4. **Required lot area, lot widths, yards and bulk regulations.** The principal building shall be located so as to comply with the following minimum requirements:
   - Minimum lot area .................. 40,000 square feet
   - Minimum lot width at building line:
     - For residences ...................... 125 feet
     - Other uses ............................ 150 feet
   - Minimum depth of front yard:
     - Arterial streets ...................... 40 feet
     - Collector streets ..................... 40 feet
     - Minor streets .......................... 30 feet
   - Minimum depth of rear yard ............... 30 feet
Minimum side yard on each side of every lot:
For one or two story buildings ........................................... 15 feet
For three story buildings .................................................... 20 feet
(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.
(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.
(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.
(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.
(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.
(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.
(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.
(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.
(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.
(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.
(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

14-303. RS-30 District (Low Density Single Family Residential).
The RS-30 Low density single family residential district is intended to provide suitable areas for low density single family residential development where
appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-30 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

1. **Uses permitted.** (a) Single-family detached dwellings.
   (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.
   (c) Any accessory use or building customarily incidental to the above permitted uses.

2. **Uses permissible on appeal.** Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

3. **Uses prohibited.** Any use not specifically permitted or permissible on appeal.

4. **Required lot area, lot widths, yards and bulk regulations.** The principal building shall be located so as to comply with the following minimum requirements:

   Minimum lot area ........................................ 30,000 square feet
   Minimum lot width at building line:
   - For residences ........................................ 100 feet
   - Other uses ........................................... 150 feet
   Minimum depth of front yard:
   - Arterial streets ...................................... 40 feet
   - Collector streets .................................... 40 feet
   - Minor streets ........................................ 30 feet
   Minimum depth of rear yard ............................ 30 feet
   Minimum side yard on each side of every lot:
   - For one or two story buildings ....................... 15 feet
   - For three story buildings ............................ 20 feet

5. **Building area.** On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

6. **Maximum floor area ratio.** On any lot, the maximum floor area ratio shall be .24.

7. **Height.** No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

8. **Landscaping.** The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an
appropriate screening device or divider shall be maintained on such property line.

(9) **Signs.** (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) **Side yards on corner lots.** The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) **Location of accessory buildings.** (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

14-304. **RS-20 District (Low Density Single Family Residential).**

The RS-20 Low density single family residential district is intended to provide suitable areas for low density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-20 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) **Uses permitted.** (a) Single-family detached dwellings

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) **Uses permitted on appeal.** Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.
(3) **Uses prohibited.** Any use not specifically permitted or permitted on appeal.

(4) **Required lot area, lot widths, yards and bulk regulations.** The principal building shall be located so as to comply with the following minimum requirements:

- **Minimum lot area** ........................................... 20,000 square feet
- **Minimum lot width at building line:**
  - For residences ........................................ 90 feet
  - Other uses ............................................... 150 feet
- **Minimum depth of front yard:**
  - Arterial streets .................................... 40 feet
  - Collector streets .................................... 40 feet
  - Minor streets ......................................... 30 feet
- **Minimum depth of rear yard** ............................. 30 feet
- **Minimum side yard on each side of every lot:**
  - For one or two story buildings ....................... 15 feet
  - For three story buildings ............................. 20 feet

(5) **Building area.** On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) **Maximum floor area ratio.** On any lot, the maximum floor area ratio shall be .24.

(7) **Height.** No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) **Landscaping.** The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) **Signs.** (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) **Side yards on corner lots.** The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) **Location of accessory buildings.** (a) No accessory building shall be erected in any required front or side yards.
(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

14-305. R-1A Districts (Lowest Density Residential). Within the R-1A Districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply.

(1) **Uses permitted.**

(a) Single family dwellings.

(b) The renting or leasing of rooms by the family resident on the premise, provided that not more than ten (10) percent of the floor area is used for this purpose.

(c) Customary incidental home occupations conducted within a dwelling, but only by a resident of the premise, provided that not more than ten (10) percent of the total floor area is used for this purpose.

(d) Accessory uses or structures customarily incidental to the above permitted uses.

(2) **Uses permitted on appeal.**

(a) Parks, playgrounds, and municipal buildings in keeping with the character and requirements of the district.

(3) **Uses prohibited.** Any use not specifically permitted or permitted on appeal.

(4) **Required lot area, lot widths, and yards.**

(a) The minimum lot area for uses not served by sanitary sewer shall be 40,000 sq. ft.

(b) The minimum lot areas for uses served by sanitary sewer shall be 20,000 sq. ft.

(i) [Deleted.]

(c) The minimum lot width at building line for dwellings on lots not served by sanitary sewer shall be 125', for lots served by sanitary sewer the minimum width at building line shall be 100'; except lots on a cul de sac whose minimum width at building line shall be 95' for lots not served by sanitary sewer and 75' for lots served by sanitary sewer. For other permitted uses, the minimum lot width at building line shall be 250' if not served by sanitary sewer and 200' if served by sanitary sewer.

(d) The minimum rear yard shall be 40' for lots not served by sanitary sewer and shall be 30' for lots served by sanitary sewer.

(e) The minimum side yard for one and two story buildings shall be 20' for lots not served by sanitary sewer and shall be 15' for lots served by sanitary sewer. The minimum side yard for three story buildings shall be 25' for lots not served by sanitary sewer and shall be 20' for lots served.
by sanitary sewer. The minimum side yard for a corner lot (streetside) shall be the minimum plus 50%.

(f) The minimum front yard for lots located on an arterial street shall be 60' from the right-of-way; the minimum front yard for lots located on other streets shall be 40' from the right-of-way.

(5) Height. Buildings shall not exceed three stories nor thirty-five feet.

(6) Buildable area. On any lot, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

(7) Location of accessory structures. (a) No accessory structure shall be erected or located in any required front or side yard.
   (b) Accessory structures shall be located at least ten (10) feet from all lot lines and at least five (5) feet from any building on the same lot.
   (c) No accessory structure not an integral part of the principal building shall be located within 60' of the front lot line.
   (d) On any corner lot adjoining in the rear another lot, no part of any accessory structure within 25' of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(8) Signs permitted. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained and limited to eight (8) square feet in area may be used, and shall be located 12' distant from all street or lot lines.

(9) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. #87-575, as amended by Ord. #97-1574, Feb. 1997; Ord. #98-1868, Jan. 1999; renumbered by Ord. #02-2342, and amended by Ord. #02-2396, Sept. 2002)

14-306. RS-15 District (Low Density Single Family Residential). The RS-15 Low density single family residential district is intended to provide suitable areas for medium density single family residential development where appropriate urban services and facilities area available or can be physically and economically extended.

Within the RS-15 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family detached dwellings.
   (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons
residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area: 15,000 square feet
- Minimum lot width at building line:
  - For residences: 80 feet
  - Other uses: 150 feet
- Minimum depth of front yard:
  - Arterial streets: 40 feet
  - Collector streets: 40 feet
  - Minor streets: 30 feet
- Minimum depth of rear yard: 30 feet
- Minimum side yard on each side of every lot:
  - For one or two story buildings: 15 feet
  - For three story buildings: 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision
entrance sign requires the approval of a site plan and the issuance of a building permit.

(10)  Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11)  Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002, and replaced by Ord. #02-2396, Sept. 2002)

14-307. RS-12 District (Medium Density Single Family Residential). The RS-12 Medium density single family residential district is intended to provide suitable areas for medium density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-12 Medium density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1)  Uses permitted. (a) Single-family detached dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2)  Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3)  Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4)  Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

Minimum lot area ........................................... 12,000 square feet
Minimum lot width at building line:
   For residences .................................. 75 feet
   Other uses ..................................... 150 feet

Minimum depth of front yard:
   Arterial streets ................................. 40 feet
   Collector streets ............................... 40 feet
   Minor streets .................................. 30 feet

Minimum depth of rear yard ........................... 30 feet

Minimum side yard on each side of every lot:
   For one or two story buildings .................. 15 feet
   For three story buildings ........................ 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.
   (b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.
   (b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.
   (c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.
   (d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within
twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

14-308. R-1 Districts (Low Density Residential). Within the R-1 Districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single- and two-family dwellings.
    (b) The taking of boarders or the leasing of rooms by the family resident on the premises, provided that not over fifty (50) percent of the total floor area is used for the taking of boarders or for the leasing of rooms by the family resident on the premises.
    (c) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.
    (d) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks, and public recreational facilities, railroad rights-of-way, municipal, county, state or federal uses except general office buildings or supply and storage yards, public utilities except storage and warehousing facilities, cemeteries, funeral homes, mausoleums, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs except a club the chief activity of which is customarily carried on as a business.
    (b) Customary general farming uses, gardens, and buildings incidental thereto except commercial animal or poultry farms and kennels.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, and yards. The principal building shall be located so as to comply with the following minimum requirements:
    Minimum lot area .................. 9,000 square feet
    Minimum lot area per additional family .................. 6,000 square feet
    Minimum lot width at building line:
    For residences .................. 75 feet
    For institutional use .................. 250 feet
    For other permitted use .................. 100 feet
    Minimum depth of front yard .................. 40 feet
    Minimum depth of rear yard .................. 30 feet
    Minimum side yard on each side of every lot:
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For one- or two-story buildings ......................... 15 feet
For three-story buildings .......................... 20 feet

(5) **Building area.** On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the total area of such lot.

(6) **Required setbacks.** All principal and accessory structures and buildings shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

   (a) **Residential uses.**
       Highways and arterials .......................... 65 feet
       Collectors ..................................... 55 feet
       Minor and residential streets .................... 50 feet

   (b) **Other permitted uses.**
       Highways and arterials .......................... 80 feet
       Collectors ..................................... 80 feet
       Minor and residential streets .................... 65 feet

(7) **Height.** No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed two (2) stories in height.

(8) **Landscaping.** The required front yard must be landscaped or sodded. Only as much of the required front yard that is needed for driveways or walkways may be paved. The front yard shall not be used for parking. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) **Signs and billboards.** (a) For the purpose of advertising the taking of boarders or the leasing of rooms by the family resident on the premises, or customary incidental home occupations, one (1) sign not over two (2) square feet in area may be used.

   (b) Real estate signs shall be used advertising the sale, rental, or lease of only the premises on which they are maintained, provided such signs do not exceed eight (8) square feet in area for each one-fourth (¼) acre in the lot or tract, and provided that such sign shall not exceed thirty-two (32) square feet in area and shall be at least twelve (12) feet distant from all streets or lot lines.

   (c) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) **Side yards on corner lots.** The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.
(11) **Location of accessory buildings.** (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(c) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (1968 Code, § 11-301, as amended by Ord. #74-391; Ord. #79-458; Ord. #86-550; and Ord. #97-1675, Oct. 1997; and renumbered by Ord. #02-2342, Aug. 2002)

**14-309. RS-6 District (Medium Density Single Family Residential).** The RS-6 Medium density single family residential district is intended to provide suitable areas for medium density single-family residential development where appropriate urban services and facilities are available or can be physically and economically extended, while also allowing considerable latitude in the physical design of housing. This district will permit single-family detached and attached residences and townhouses and such other structures as are accessory thereto.

Within the RS-6 Medium density single family residential district, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) **Uses permitted.** (a) Single-family dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) **Uses permissible on appeal.** Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) **Uses prohibited.** Any use not specifically permitted or permissible on appeal.

(4) **Required lot area, lot widths, yards and bulk regulations.** The principal building shall be located so as to comply with the following minimum requirements:

Minimum lot area ........................................ 6,000 square feet

Minimum lot width at building line:
For residences .................................. 45 feet
Other uses ........................................ 90 feet

Minimum depth of front yard:
  Arterial streets .................................. 40 feet
  Collector streets .................................. 30 feet
  Minor streets ..................................... 25 feet

Minimum depth of rear yard ................................ 20 feet
Minimum side yard on each side of every lot ............... 8 feet

The total sum of all required side yards shall be a minimum of sixteen (16) feet.

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .50.

(7) Height. No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.
(12) Use of zero lot line in single-family detached in RS-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 16 feet.

(b) The side yard setback requirement for the adjoining district must be maintained adjacent to any lot not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the county register of deeds and the city building inspections department at the time of application for a building permit.

(as added by Ord. #02-2342, Aug. 2002)

14-310. RP-2 District (Medium Density Residential - Professional Office). The purpose of the RP-2 Districts, as shown on the Official Zoning Atlas of Lebanon, Tennessee, is to provide areas of mixed use, single family and medium density multi-family residential development with professional offices located either within the same structures or to allow these uses to exist adjacent to each other. These districts shall be located between lower density residential areas and the more intense developed commercial areas, or they may be utilized to help redevelop areas of decline within the city, or along major arterial or collector streets to act as a land use mix in the more heavily congested commercial areas.

(1) Uses permitted. (a) Single, two, three, and four-family dwellings.

(b) Group housing developments.

(c) Professional offices for the following professions: physicians and surgeons, dentists, optometrists, lawyers, engineers, surveyors, architects, insurance agencies, certified public accountants, and real estate brokers.

(d) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parish houses on the same property as the church or place of worship, public and private schools, public parks, philanthropic institutions and clubs, banks and financial management firms, nursing homes, day care centers, restaurants, (minimum 3,000 square feet, no drive through pickup window), and live production and/or movie theater in building of not less than 8000 sq. ft. which were in existence as of May 6, 1986. The Lebanon Board of Zoning Appeals may, upon application by an individual or firm, allow other professions within these districts on a case by case basis. In rendering a decision as to whether the applicant's profession should be allowed on appeal, the board of zoning appeals must find that the proposed profession is a commonly recognized profession, will not create heavy traffic and parking needs, and the proposed application will
adhere to the intent of this zoning district which allows professional offices which are compatible with a medium density residential.

(3) **Uses prohibited.** Any use not specifically permitted or permissible on appeal.

(4) **Required lot area, lot widths, and yards.** This zoning district shall allow more than one principal structure per lot. The location and density of units shall follow these minimum requirements:

(a) **Residential and office density (minimum lot area).**

(i) Minimum lot area for single, two, three, and four-family dwelling unit structures shall be 6,000 sq. ft. for the first unit and 3,400 sq. ft. for each additional unit.

(ii) Minimum lot area for group housing developments shall be 4,000 sq. ft. for the first unit and 3,000 sq. ft. for each additional unit.

(iii) Minimum lot area for a mixed use group housing/professional offices located within the same structure are 4,000 sq. ft. for the first dwelling unit and 3,000 sq. ft. for each additional dwelling unit and 2,500 sq. ft. for each professional office space.

(iv) Minimum lot area for a mixed use group housing/professional office located within the same development but not within the same structure are 4,000 sq. ft. for the first dwelling unit and 3,000 sq. ft. for each additional dwelling unit and 5,000 sq. ft. for each free standing professional office complex.

(v) Minimum lot area for free standing professional office structures on their own lots shall be 10,000 sq. ft.

(b) **Minimum lot width at building line.**

(i) Minimum lot width for one and two family dwelling unit structures shall be 75 feet.

(ii) Minimum lot width for three and four family dwelling unit structures shall be 150 feet.

(iii) There shall be no minimum lot width for group housing developments and group housing/professional office developments both integrated and free standing.

(iv) Minimum lot width for free standing professional structures on their own lots shall be 100 feet.

(v) Minimum lot width shall be 250 feet for these uses permissible on appeal: churches and other places of worship, parish houses on the same property as the church or place or worship, philanthropic institutions and clubs, and public and private schools.

(vi) Minimum lot width shall be 50 feet for these uses permissible on appeal: public parks.

(vii) Minimum lot width shall be 100 feet for all other uses permissible on appeal (not specified in 5 and 6 above).
(c) **Required setbacks.**

(i) All structures shall have the minimum setback from the public street rights of way according to the public street classification:

<table>
<thead>
<tr>
<th>Public Street Classification</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways and Arterials</td>
<td>50 feet</td>
</tr>
<tr>
<td>Collectors</td>
<td>40 feet</td>
</tr>
<tr>
<td>Minor, Residential</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

There shall be no structures within this minimum setback and this includes parking areas, accessory structures and fences. The area shall remain as a landscaped area but driveway cuts, utilities, identification signs, and directional ingress/egress signs shall be allowed.

(ii) All structures shall have a side and/or rear yard of 75 feet if the property abuts another zoning district, otherwise the side and rear yard shall be 25 feet.

(iii) Where there are more than one principal structure per lot, the structures shall be a minimum of 20 feet apart.

(iv) In group housing developments and in a mixed group housing/professional office development, the internal street system shall not be public streets and shall be maintained by the owners of the units/offices as per ownership association. In these developments, there is no required setback of the structures from the internal streets.

(5) **Buildable area.** Within this zoning district, the lot area occupied by the principal structures and accessory structures shall not exceed 30% of the total area of the lot or development.

(6) **Development standards for group housing and mixed group housing/professional office developments.** All internal streets within these developments shall be considered as private streets and shall be maintained, repaired, and reconstructed by an association of the owner(s) of the property. There shall be no customary division of land within these developments. Division of structures according to the Horizontal Property Act are allowed and appropriate. Developments under this Act must form a condominium association for the maintenance of and ownership of the real property and the infrastructure within the development. Apartment complexes within this zoning district will, due to their nature, not have an owners/residents association but will consist of private streets and infrastructures and must follow the same type of development standards.

(a) **Interior streets.**

(i) The minimum right-of-way widths of interstreets exceeding five hundred (500) feet in length or serving fifty (50) or more dwelling units shall be thirty (30) feet and shall consist of two twelve (12) foot traffic lanes and three (3) foot curb and gutters on each side.

(ii) The minimum right-of-way widths of internal streets less than five hundred feet in length or serving less than fifty
dwelling units shall be twenty-six (26) feet and shall consist of two ten (10) foot traffic lanes and three foot curb and gutters on each side.

(iii) The maximum grade on any street shall be ten (10) percent.

(iv) The internal streets shall be constructed using the following specifications:

(A) The base of streets shall consist of crushed stone or gravel eight inches in depth, compacted.

(B) The surface shall consist of asphalt or better materials two inches in depth, compacted. The Lebanon Department of Public Works shall approve the grade and quality of the materials used for the surfacing of the streets.

(b) Utilities. The developments shall be served by a minimum of a six (6) inch water line and eight (8) inch sewer line. These minimum sizes shall be increased at the direction of the city engineer in order to assure that the water lines meet the fire-flow regulations as determined by the city and the sewer lines meet the flow regulations as determined by the city. Fire hydrants shall be spaced at a maximum distance of 700 feet throughout the development.

(7) Height of structures. No building shall exceed three (3) stories or thirty-five (35) feet in height.

(8) Landscaping. (a) The area of the required minimum setback from the public street rights of way, with the exception of driveway and utility areas within this setback area, shall be landscaped. Landscaping in this area can be of a single type or combination of the following: grass and tree planting, earthen mounds, shrubs, flowering plants, ground covers, and bodies of water. The planning commission may approve other types of landscaping treatment where conditions warrant special consideration.

(b) In the seventy-five (75) foot side and rear yard required within this zoning district where it abuts another zoning district, there shall be an appropriate landscape screening of either trees, grass covered earthen mounds, shrubs or combination of these screening devices. The planning commission may approve other types of landscaping, if it provides appropriate screening between the properties and is of comparable quality of the above.

(c) All off-street parking areas shall be designed to incorporate landscape treatment throughout the parking area. These landscaped areas shall constitute a minimum of ten (10) percent of the total parking area, and shall be of a type outlined in (a) and (b) above.

(9) Signs. All signs not relating to the identification of the premises and occupants and professional services rendered on the premises are prohibited. All signs shall be setback a minimum of 25 feet from all public street rights-of-way. Directional signs which do not exceed one-and-one-half
(1½) sq. ft. and which denote only points of ingress and egress into the property can be located adjacent to the public road right-of-way. Signs advertising for sale, lease or rental of property can be located within the required setback providing their location is of a temporary time frame and they do not block line of sight along and to the roadways.

(10) **Subdivision entrance signs.** No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. #86-538; Ord. #89-748; Ord. #91-906; Ord. #94-1172, June 1994; and Ord. #94-1202, Oct. 1994, as amended by Ord. #97-1675, Oct. 1997, and Ord. #98-1868, Jan. 1999, and renumbered by Ord. #02-2342, Aug. 2002)

14-311. **R-2 Districts (Medium-Density Residential).** Within the R-2 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

1. **Uses permitted.**
   a. Single-family, two-family, and multiple-family dwellings, and apartments.
   b. Mobile home courts.
   c. The taking of boarders or the leasing of rooms by the family resident on the premises, provided that not over seventy-five (75) percent of the total floor area is used for the taking of boarders or for the leasing of rooms by the family resident on the premises.
   d. Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.
   e. Any accessory use or building customarily incidental to the above permitted use.

2. **Uses permissible on appeal.**
   a. Churches and other places of worship, parish houses; public libraries; schools offering general education courses; public parks and public recreation facilities; railroad rights-of-way; municipal, county, state or federal uses except general office buildings or supply and storage yards; public utilities, except storage and warehousing facilities; cemeteries; funeral homes, mausoleums, hospitals for human care except primarily for mental cases; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.
   b. Customary general farming uses, gardens and buildings incidental thereto, except commercial animal or poultry farms and kennels.

3. **Uses prohibited.** Any use not specifically permitted or permissible on appeal.
(4) **Required lot area, lot widths, and yards.** The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area ..................................... 6,000 square feet
- Minimum lot area per additional family ................ 3,000 square feet
- Minimum lot width at building line ...................... 50 feet
- Minimum depth of front yard ............................ 25 feet
- Minimum depth of rear yard ............................ 25 feet

Minimum side yards on each side of every lot:
- For one- or two-story buildings ......................... 10 feet
- For three-story buildings ................................ 15 feet

(5) **Building area.** On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) **Required setbacks.** All principal and accessory structures and buildings shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

(a) **Residential uses.**
- Highways and arterials ................................. 65 feet
- Collectors ............................................. 55 feet
- Minor and residential streets ......................... 50 feet

(b) **Other permitted uses.**
- Highways and arterials ................................. 80 feet
- Collectors ............................................. 80 feet
- Minor and residential streets ......................... 65 feet

(7) **Height.** (a) No building shall exceed five (5) stories or sixty-five (65) feet in height. No accessory building shall exceed two (2) stories in height.

(b) On a lot less than sixty (60) feet in width at the building line, no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(8) **Landscaping.** The required front yard must be landscaped or sodded. Only as much of the required front yard that is needed for driveways or walkways may be paved. The front yard shall not be used for parking. For a lot whose use is non-residential an appropriate screening device or divider shall be maintained on such property line.

(9) **Signs and billboards.** (a) For the purpose of advertising the taking of boarders or the leasing of rooms by the family resident on the premises, and studios or customary incidental home occupations, one (1) sign not over two (2) square feet in area may be used.

(b) Real estate signs shall be used advertising the sale, rental, or lease of only the premises on which they are maintained, provided such signs do not exceed eight (8) square feet in area for each one-fourth (¼) acre in the lot or tract, and provided that such sign shall not exceed
thirty-two (32) square feet in area and shall be at least twelve (12) feet distant from all street or lot lines.

(c) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line. (1968 Code, § 11-302, as amended by Ord. #79-458; Ord #86-543; Ord. #86-550; Ord. #90-790; Ord. #90-811; modified; Ord. #97-1675, Oct. 1997; Ord. #98-1868, Jan. 1999; and Ord. #00-2137, Oct. 2000; and renumbered by Ord. #02-2342, Aug. 2002)

14-312. RM-6 District (High Density Multi-Family Residential). The RM-6 High density multi-family residential district is intended to provide suitable areas for higher density developments where sufficient urban facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, except mobile homes and mobile home parks. 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 facilities and public utility installations which are necessary to service specifically the residents of the district, or which installations are benefitted by and compatible with a residential environment.

Within the RM-6 High density multi-family residential district, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) One and two-family dwellings.

(b) Multiple-family dwellings.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries
and municipal buildings, in keeping with the character and requirements of the
district.

(3) **Uses prohibited.** Any use not specifically permitted or permissible
on appeal.

(4) **Required lot area, lot widths, yards and bulk regulations.** The
principal building shall be located so as to comply with the following minimum
requirements:

- Minimum lot area .................................................. 6,000 square feet
- Minimum lot area per additional dwelling ........ 2,200 square feet
- Minimum lot width at building line:
  - For residences ............................................. 50 feet
  - Other uses .................................................. 100 feet
- Minimum depth of front yard:
  - Arterial streets ............................................ 40 feet
  - Collector streets ........................................... 30 feet
  - Minor streets .............................................. 25 feet
- Minimum depth of rear yard .................................. 25 feet
- Minimum side yard on each side of every lot ............ 10 feet
- Minimum separation between buildings on the same lot ...... 20 feet

The total sum of all required side yards shall be a minimum of twenty (20) feet.

(5) **Building area.** On any lot, the area occupied by all buildings,
including accessory buildings, shall not exceed forty (40) percent of the total
area of such lot.

(6) **Maximum floor area ratio.** On any lot, the maximum floor area
ratio shall be 1.00.

(7) **Height.** No principal building shall exceed three (3) stories or
thirty-five (35) feet in height. No accessory building shall exceed two (2) stories
in height.

(8) **Landscaping.** The required front yard must be landscaped or
seeded. Only as much of the required front yard that is needed for driveways
or walkways may be paved. For a lot whose use is non-residential, an
appropriate screening device or divider shall be maintained on such property
line.

(9) **Signs.** (a) For the purpose of advertising customary incidental
home occupations, one sign not over two (2) square feet in area may be
used.

  (b) No subdivision entrance sign may be constructed or
otherwise caused to be placed at a point closer than fifteen (15) feet to a
public right-of-way. The construction and/or placement of a subdivision
entrance sign requires the approval of a site plan and the issuance of a
building permit.

(10) **Side yards on corner lots.** The minimum widths of side yards along
intersecting streets shall be fifty (50) percent greater than the minimum side
yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.
(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.
(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.
(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(12) Use of zero lot line in single-family detached in RM-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 20 feet.
(b) The side yard setback requirement for the adjoining district must be maintained adjacent to any lot not within the common development, or not otherwise designated for zero lot line use.
(c) An easement providing for maintenance of the zero lot line facade is filed with the county register of deeds and the city building inspections department at the time of application for a building permit.

(13) Single-family attached in the RM-6 District: Single-family attached residential is permitted in this district only if the side yard opposite to the common wall is at least twenty (20) feet.

(14) Townhouse/condominium residential in the RM-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
(b) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 1.00 (1 square feet of building area per one 1 square foot of site/lot area). (as added by Ord. #02-2342, Aug. 2002)

14-313. Side yard setback or sprinkler requirements.
(1) Notwithstanding any other provisions of the Lebanon Municipal Code to the contrary, no plan or specifications or project presented for review to the Lebanon Planning Commission on or after September 1, 2006, including but not limited to projects reviewed for a possible residential Planned Unit
Development (PUD), shall be approved by the Lebanon Planning Commission and/or the Lebanon City Council, with side yard setback requirements of less than ten feet (10') on each side yard, unless the plans for the PUD requires all residential units spaced closer than twenty feet (20') (eave to eave) to be fully sprinkled by sprinkler systems pursuant to the Lebanon Code, including NFPA 13 R.

(2) This requirement shall not prevent the Lebanon Board of Zoning Appeals to make appropriate adjustment to side yard setback requirements as deemed appropriate under the Lebanon Municipal Code.

(3) The setback requirement, as stated above, for a ten foot (10') side yard setbacks between residential structures for all approved plans shall apply to all plans offered for either initial or preliminary approval or request for material modifications or additions to existing plans which are submitted for review to the Lebanon Planning Commission on or after September 1, 2006.

(4) This above stated minimum requirement for a ten foot (10') side yard setback (where sprinkler systems are not used) shall not apply to any plans which were properly submitted to the planning department on or before September 1, 2006; however, nothing in this section shall be construed to conflict with the provisions of ordinance No. 06-2962. (as added by Ord. #06-2963, Sept. 2006)
CHAPTER 4

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION
14-401. B-1 Districts (Local Business).
14-402. B-2 Districts (Central Business).
14-403. B-3 Districts (Restricted Business).
14-406. B-6 Districts (Transitional Office).

14-401. B-1 Districts (Local Business). Within the B-1 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single family dwelling, multiple-family dwelling and apartment, restaurant (except drive-in), hospital, nursing home, day care center, drug store, hardware store, food store, flower shop, office, medical clinic, day care, beauty shop, leather and leather goods shop, hand laundry, laundromat, dry-cleaner's pickup station, motel, funeral parlor, retail bakery outlet, bank, shoe store, haberdashery, jewelry store, gift shop, art shop, furniture store, book and stationery store, music shop, taxidermy and processing, sporting goods store, and appliance store, retail package stores, and veterinary offices for animals such as dogs, cats or other comparable household pets and not including outdoor pens as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Any accessory use of buildings and advertising signs customarily incidental to the above permitted uses.

(2) Use on appeal. Churches and other places of worship.

(3) Uses prohibited. Any use not specifically permitted.

(4) Required lot area, lot widths, and yards.

(a) All buildings hereafter constructed shall be located so as to comply with the following minimum requirements:

 Minimum depth of front yard ................. 25 feet
 Minimum depth of rear yard ................. 20 feet

(b) Any building used in whole or in part for residence shall comply with the minimum lot area requirements for R-2 residential districts.

(c) On all lots adjacent to a residential zone, all buildings shall be located so as to conform to the side yard requirements of the adjacent residential zone.
(5) **Required setbacks.** All buildings and accessory structures shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- Highways and arterials: 80 feet
- Collectors: 80 feet

(6) **Height.** No building shall exceed five (5) stories or sixty-five (65) feet in height.

(7) **Off-street loading and unloading space.** Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street.

(8) **Landscaping and screenings.** (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment;

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks;

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-401, as amended by Ord. #75-399; Ord. #75-400; Ord. #86-543; Ord. #86-550; Ord. #90-790; and Ord. #90-822; modified, and amended by Ord. #97-1675, Oct. 1997; Ord. #02-2391, Sept. 2002; Ord. #04-2614, July 2004, Ord. #07-3255, Nov. 2007, and Ord. #09-3550, July 2009)

**14-402. B-2 Districts (Central Business).** Within the B-2 District as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) **Uses permitted.** (a) Drug store, food store, parking lot, florist, restaurant, office, hotel, bank, indoor theater, beauty shop, retail bakery outlet, pool room, newsstand, department store, shoe repair shop, variety store, leather goods store, barber shop, ladies wear, haberdashery, jewelry store, gift shop, art shop, book and stationery store, camera shop, paint store, hardware store, appliance store, furniture store, broadcasting and receiving station, office supply shop, music store, meat or fruit market, and printing, publication or engraving concern, retail package stores and upper floor residence as regulated by Lebanon Municipal Code, amendment ordinance 90-817.

(b) Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than five (5) operatives are employed in such manufacture.
(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) **Uses prohibited.** Any use not specifically permitted.

(3) **Required yards and setbacks.** On lots adjacent to a residential zone, all buildings shall be located to conform to the side yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than fifteen (15) feet.

(4) **Height.** No building shall exceed six (6) stories or seventy-five (75) feet in height. (1968 code, § 11-402, as amended by ord. 90-822, § 2, and Ord. #08-3445, Nov. 2008)

14-403. **B-3 Districts (Restricted Business).** Within the B-3 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) **Uses permitted.** (a) Multiple-family dwelling and apartment, gasoline and service stations, restaurant, motel, food store, indoor theater, automobile sales and/or service establishment, bank, bowling alley, broadcasting and receiving station, candy store, camera shop, clinic, nursing home, day care center, hotel, parking lot, drug store, florist, office, beauty shop, barber shop, laundromat, dry cleaners' pickup station, retail bakery outlet, pool room, newsstand, department store, shoe repair shop, variety store, leather goods store, ladies' wear, haberdashery, jewelry store, gift shop, art shop, book and stationery store, camera shop, hardware store, appliance store, furniture store, office supply shop, music store, meat or fruit market, feed store, frozen food locker, retail milk depot, paint store, plumbing and heating fixture supply shop, radio shop, sporting goods store, piano store, ice cream store, funeral home, bus depot, laboratory, skating rink, upholstery shop, pet stores, printing, publication or engraving concern, dry cleaner using synthetic fluids and not employing nor expected to employ over (10) persons, and places of public assembly, retail package stores as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer, and where not more than ten (10) operatives are employed in such manufacture.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(d) Outdoor advertising signs and advertising structures.

(2) **Uses permissible on appeal.** Antique malls and flea markets and auction houses (any open air sales or outdoor vendors shall be screened from any adjoining residential zone by an opaque screen or opaque barrier which shall, at a minimum, consist of solid fencing or landscaping or a combination of both).

(3) **Uses prohibited.** Any use not specifically permitted.
(4) **Required yards.**
   (a) Buildings hereafter constructed shall be so located as to comply with the following minimum yard requirements:
   - Minimum depth of front yard ...................... 25 feet
   - Minimum depth of rear yard ....................... 20 feet
   - Minimum side yards on each side of every lot ........ 10 feet
   (b) Any building used either in whole or in part for residence shall comply with the requirements of an R-2 residential district for minimum lot area per family.
   (c) On lots adjacent to a residential district, all buildings shall be located so as to conform with the side yard requirements of the adjacent residential zone.

(5) **Height.** No building shall exceed five (5) stories or sixty-five (65) feet in height.

(6) **Provisions in lieu of off-street parking.** If vehicle storage or parking space required cannot reasonably be provided on the same lot on which the principal use is conducted, the building inspector may permit such space to be provided on other off-street property, provided such space lies within five hundred (500) feet of the main entrance of the principal use and provided such space does not lie within any residential district. Such vehicle storage space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(7) **Off-street loading and unloading space.** Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street.

(8) **Landscaping and screenings.** (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment;
   (b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks;
   (c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.
   (d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure.(1968 Code, § 11-403, as amended by Ord. #75-399; Ord. #86-543; Ord. #86-550; Ord. #90-797; Ord. #90-811; Ord. #90-822; modified, and amended by Ord. #97-1675, Oct. 1997; Ord. #02-2391, Sept. 2002; and Ord. #02-2410, Oct. 2002; and Ord. #05-2762, July 2005)
14-404. B-4 Districts (Highway Business). Within the B-4 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Gasoline and service station, restaurant, motel, food store, drive-in movie, auction houses, automobile sales and service establishment, bank, bowling alley, broadcasting and receiving station, candy store, camera shop, nursing home, clinic, day care center, clothing store, dairy, drug store, appliance store, express office, feed store, florist, frozen food locker, meat, fruit or vegetable market, furniture store, gift shop, golf driving range and miniature golf course, hardware store, jewelry stores, animal hospital, skating rink, kennels, launderette, retail milk depot, office, office equipment and supply shop, paint store, plumbing and heating fixture supply shop, pool room, race track, radio shop, book, stationery and supply store, swimming pool, variety store, trunk and leather goods shop, telegraph office, sporting goods store, shoe repair shop, piano store, ice cream store, barber shop, tattoo parlor, retail bakery, amusement park, trampoline center, and places of assembly, subject to such conditions and safeguards as may be required by the board of zoning appeals, retail package stores as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses prohibited. Any use not specifically permitted.

(3) Required lot area, lot widths, lot depths, and yards.

(a) The minimum lot area shall be ten thousand (10,000) square feet.

(b) The minimum lot width at the building line shall be one hundred (100) feet.

(c) Except where a rear lot line abuts a public right-of-way or where the shallowness of a lot does not permit, the minimum lot depth shall be one hundred and fifty (150) feet.

(d) The minimum depth of front yards shall be measured from the right-of-way line. All lots in this district shall be considered fronting on either highways and arterials or collector streets.

For highways and arterials .......................... 40 feet
For collectors ..................................... 50 feet

(e) The minimum rear yard shall be twenty-five (25) feet.

(f) The minimum width of each side yard abutting highways and arterials or collector streets shall be forty (40) and fifty (50) feet, respectively. The minimum width for each side yard abutting minor or residential streets shall be twenty-five (25) feet.
(g) For a lot whose property line abuts a residential district, the minimum side yard width and/or minimum rear yard depth shall be forty (40) feet.

(h) The maximum building area shall be forty (40) percent of the total lot area.

(4) Required setbacks. Every building or structure or its accessory building shall be set back from the centerline of every street according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- Highway and arterials: 80 feet
- Collectors: 80 feet

(5) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height unless it shall be located within the accepted service area of a fire station equipped with a ladder truck with the capability to reach the top of the building or 100 feet in height.

(6) Off-street loading and unloading space. Behind every building or structure used for business or trade there shall be a rear yard not less than twenty-five (25) feet in depth to provide for the loading and unloading of vehicles.

(7) Landscaping and screenings. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(c) For a lot whose property line abuts a residential district, an appropriate screening devise or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-404, as amended by Ord. #86-543; Ord. #86-550; Ord #90-797; Ord. #90-811; Ord. #90-822; modified, Ord. #93-1066, Sept. 1993; Ord. #97-1675, Oct. 1997; Ord. #00-2136, Oct. 2000; Ord. #00-2151, Nov. 2000; Ord. #02-2409, Oct. 2002; and Ord. #03-2543, Dec. 2003)

14-405. B-5 Districts (Interchange Business). Within the B-5 District as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Gasoline and service stations; travel trailer parks; drug stores; curio shops; refreshment stands; motels or motor hotels; restaurants; drive-in restaurants and eating places; churches and other places of worship; and any similar use which, in the opinion of the board of zoning appeals, is in keeping with the character of the district, retail package stores as regulated by Lebanon Municipal Code, amendment ordinance 90-822, § 5.
(b) Any accessory use or building customarily incidental to the above permitted uses.

(2) **Self-service storage facility.** Use on appeal.

(3) **Uses prohibited.** Any use not specifically permitted.

(4) **Required lot area, lot widths, and yards.**
   
   (a) The minimum lot area shall be fifteen thousand (15,000) square feet.
   
   (b) The minimum lot width at the building line shall be one hundred fifty (150) feet.
   
   (c) The minimum depth of front yards measured from the right-of-way line shall be fifty (50) feet.
   
   (d) The minimum rear yard shall be twenty (20) feet.
   
   (e) The minimum width of each side yard shall be twenty (20) feet.
   
   (f) The minimum width of each side yard shall be twenty (20) feet, provided, however, that any side yard that abuts a street or public way shall be forty (40) feet.
   
   (g) The maximum building area shall be forty (40) percent of the total lot area.

(5) **Required setback.** Every building or structure or its accessory building shall be set back from the right-of-way line at least fifty feet; provided, however, that in the case of service stations, gasoline pumps, gasoline pump canopies, and signs advertising the principle use shall not be considered a structure as defined under section 14-203(18) and shall be set back as follows: Signs 10 feet, gasoline pumps and gasoline pump canopies 15 feet. This shall not be construed so as to permit billboards and any similar type signs any closer than 50 feet to the right-of-way.

(6) **Height.** No building shall exceed five (5) stories or sixty-five (65) feet in height unless it shall be located within the accepted service area of a fire station equipped with a ladder truck with the capability to reach the top of the building or 100 feet in height.

(7) **Off-street loading and unloading space.** Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide for the loading and unloading of vehicles.

(8) **Access control.**
   
   (a) **Access barrier.** Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings used for commercial purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip, or other suitable barrier against unchanneled motor vehicle ingress and egress, except for accessways as authorized in paragraph (b) below.
   
   (b) **Accessways.** Each separate use, grouping of attached buildings, or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any highway or street. Insofar as practicable, the use of common accessways by two (2)
or more permitted uses shall be provided in order to reduce the number and closeness of access points along the highway, and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway.

(c) Access regulations. The following regulations concerning accesses shall apply:

A point of access shall be not closer than fifty (50) feet to any point of controlled access, provided, however, that in a case of hardship caused by the narrowness or shape of any particular lot, the board of zoning appeals may issue a variance when such hardship is proven; nor within thirty (30) feet of the curb line of any public street intersection.

A point of access shall not exceed thirty-five (35) feet in width.

The distance between any two (2) points of access shall be not less than twenty-five (25) feet.

(9) Landscaping and screening. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(c) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line.


14-406. B-6 Districts (Transitional Office). The Transitional Office district is intended to provide office locations generally serving neighborhood or community needs; to provide for such uses in a low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this ordinance. The Transitional Office district may be located adjacent to, or within residential areas. The district allows for the integration of limited supporting commercial uses into office developments. The Transitional Office district is intended to be located along collector and arterial streets or adjacent to commercial or industrial districts, in the areas of transition between residential and higher intensity uses, and in areas of existing and new office development.

All uses except automobile parking lots and such other uses as may specifically be exempted hereinafter shall be conducted wholly within a building. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use, thus retaining the existing residential character of the
building(s). A combination of residential and commercial uses within this district may be permitted within the same building. Within the 9-6 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

1. Uses permitted. (a) Offices for:
   (i) Banks, savings and loan associations, credit unions, trust companies, security and commodity exchanges and similar financial institutions with no drive-through facility;
   (ii) Business service firms including architectural, engineering, drafting services, market research, planning, surveying and other similar firms;
   (iii) Business agencies including advertising, travel, credit, finance, photography, and other similar agencies;
   (iv) Accounting, appraisal, auditing, bookkeeping, consultants, insurance, law and legal services, public utilities, real estate, title companies, medical or dental offices and other similar offices;
   (b) Single family dwellings;
   (c) Headquarters or administrative offices for charitable organizations such as, Red Cross, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of non-commercial nature;
   (d) Museums, historic, and cultural exhibits, libraries, artist or photographic studios and the like;
   (e) Parks and playgrounds or play fields owned and operated by a homeowners association or recognized government entity;
   (f) Community and government buildings in keeping with the character of the district;
   (g) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses permissible on appeal. Sit-down restaurants with no drive-through facility and not larger than five thousand (5,000) square feet in size, specialty retail not larger than five thousand (5,000) square feet in size, health spas, barber/beauty salon, or special schools such as art or music, and bed and breakfasts.


4. Required lot area, lot widths, lot depths and yards. (a) The minimum lot area shall be six thousand (6,000) square feet. However, if a residential subdivision is being contemplated, the minimum lot size for the residential lots shall be consistent with surrounding single-family residential lots.
   (b) The minimum lot width at the building line shall be fifty (50) feet.
(c) The minimum depth of front yards shall be forty (40) feet measured from the right-of-way line.

(d) The minimum side yard on each side of every lot shall be fifteen (15) feet, except for corner lots, where the minimum side yard for the street side of a corner lot shall be twenty-five (25) feet.

(e) The minimum depth of rear yards on every lot shall be thirty (30) feet.

(f) The maximum floor area ratio shall be 0.30.

(5) **Height.** No building shall exceed three (3) stories or thirty-five (35) feet in height, whichever is lower.

(6) **Location of additions or structural changes.** No additions or extensions shall be made to the front or side(s) of any existing structure unless the character of the structure is retained. Prior to the construction of such additions or extensions, a site plan shall be approved as outlined in section (11).

(7) **Off-street loading and unloading space.** If, based on the use, as determined by city planning staff and/or the planning commission, an off-street loading/unloading space is required, such space shall be provided behind the building or structure. The space shall be not less than thirty (30) feet in depth and of adequate width to provide for the loading and unloading of delivery vehicles.

(8) **Outdoor storage and display.** (a) Property used for non-residential purposes. Exterior storage of goods or materials of any kind is prohibited. All such storage shall be located in an enclosed building. Outdoor display of merchandise is prohibited.

(b) Property used for residential purposes. The previous regulation, relative to outdoor storage and display shall not apply to property used residentially.

(9) **Off-street parking.** Off-street parking shall be provided in compliance with § 14-213.

(a) Property used for non-residential purposes. Parking shall be located at the rear of the building; an exception to this requirement may be made by the planning commission depending on the specific site conditions. Landscaping and/or other effective screening, a minimum of twenty (20) feet in width, shall be provided between parking and property lines.

(b) Property used for residential purposes. The previous regulation, relative to the location of off-street parking shall not apply to property used residentially.

(10) **Landscaping and screenings.** (a) Each site shall be developed with twenty (20) percent of its area landscaped with green treatment.

(b) A landscape plan showing the type, location, number and size at planting of all proposed landscape material shall be submitted as part of the site plan review, and subject to approval of the planning commission. Landscaping shall consist of a combination of grasses,
shrubs and trees. Trees shall be planted along the street frontage, spaced according to the type of tree.

(c) There shall be maintained a strip of landscaped ground at least twenty (20) feet in width along all property lines, exclusive of entrance drives and walks. Parking and circulation drives shall not be located within this twenty (20) feet.

(d) For a lot whose property line(s) abuts a residential district or residentially used property, landscaping and/or an appropriate screening device or divider shall be maintained on such property line(s), however, an exception may be made by the planning commission depending on the site specific site conditions.

(e) A minimum of one-half (1/2) of the required landscaping shall be between the street property line and the structure.

(f) Landscaping shall be installed and maintained in accordance with an approved landscape plan. The developer, successors, and/or properly owners shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all landscaped areas. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plant materials shall be promptly replaced.

(g) The property owner of land abutting a right-of-way shall be responsible for landscaping and maintenance of any right-of-way area between the property line and curb or street.

(h) All plantings are subject to periodic inspection by city staff. If found not to comply with the approved landscape plan or not being properly maintained, the property owners may be subject to a hearing by the planning commission. Such a hearing will be added to the next available regular meeting agenda with notice being provided to the property owner.

(11) **Site plan review.** Site plan review by the Lebanon Planning Commission is required for all new buildings, building additions, demolitions and site alterations including the construction of driveways, loading areas and parking areas. Applicants must submit scale drawings, according to the particular type of development, to the Lebanon Planning Commission in accordance with the procedures set forth in this chapter and § 14-216 chapter 2.

Upon approval by the planning commission, a site plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the site plan.

Requirements with respect to the minimum information, notes and certificates that shall be provided on the site plan may be found in § 14-216 (4), (5) and (6).

(12) **Building design.** All architectural designs, including those for alterations, additions, or demolition are subject to review and approval of the planning commission. Accessory buildings and signage shall be compatible with
the architecture, consistent in design and use similar materials as the principle building. In conjunction with any required site plan review, any required building design review shall be conducted by the planning commission.

Requirements with respect to the minimum information that shall be provided in order to appropriately evaluate the proposed building or signage design are as follows:

(a) Scale drawings of the building elevations for all sides of all structures visible from the right-of-way;

(b) Material samples, photographs, color samples, or other description of proposed building materials including walls, roofs, trim, windows and doors;

(c) Scale drawings, material samples, photographs, color samples or other description of proposed signage;

(d) Manufacturer's specification sheets or photographs of proposed exterior lighting fixtures;

(e) Proposed landscaping plans, stamped by a landscape architect licensed in the State of Tennessee, including the location, size at planting, number and type of all materials.

(13) Demolition. Within properties zoned B-6, the City of Lebanon seeks to preserve and protect the integrity of the area. Repair and renovation are preferred over the demolition of structures. Demolition should be considered a last resort.

(a) Demolition permit. Demolition permits are required for the removal of any structure, including accessory structures. Upon submission of a demolition permit, or for permission to remove a major part thereof, the building division will determine if the subject property is zoned B-6. If the property is zoned B-6, the planning commission shall be required to review and approve the request for permission to demolish, or significantly alter, the structure prior to a demolition permit being issued.

If required to be reviewed by the planning commission, the applicant shall provide information relative to the date of construction of the structure(s) and any subsequent alteration(s). City staff will complete preliminary research relative to the architectural style of the structure and any available history of the structure(s). Information that will be reported to the planning commission should include, as available, the following:

(i) Date of construction and any additions or modifications;

(ii) Description of the architectural style, significant architectural features and building materials;

(iii) Names of property owners and/or tenants of the structure; and
(iv) Significant events that may have occurred on the property.

The planning commission should consider this information and any other information that may be available to them in their determination of the significance of the subject structure(s).

In all cases, when property is located in the B-6 district, including requests for permission to demolish a structure that is determined not to be a significant structure, the planning commission shall not grant approval for demolition without reviewing at the same time preliminary plans for the redevelopment of the property. The planning commission may grant permission to demolish a structure having only reviewed preliminary plans, with the requirement that more detailed plans, in accordance with these regulations shall be brought to the planning commission within a reasonable time period. The reasonable time period shall be determined by the planning commission at the time that preliminary plans are reviewed and shall be based on the scale of the redevelopment project.

(b) Delay of demolition. Prior to a permit being issued for the demolition of any structure, determined to be significant, within the B-6 district, the planning commission shall review the demolition request. A request for demolition shall be delayed in order to afford public review of a demolition permit application for significant structures. Upon the demolition of a structure(s) being delayed, city staff will provide city council notice of such delay. A public notice, stating the time and place of the planning commission meeting, shall be published within a newspaper of general circulation in the municipality at least fourteen (14) days prior to the meeting at which demolition of a significant structure may be considered. In addition, such public notice will be sent to adjacent property owners and members of city council.

(c) Significant structures. Once the significance of a structure is determined, that significance may change due to a change in circumstances. When the planning commission determines that a building is significant and should be preserved, demolition may be delayed by the planning commission for a period not to exceed six (6) months to allow the city, a historical society, or other interested property owners the opportunity to develop viable solutions for the preservation of the building. Within that period of time, the applicant may be required to provide cost estimates for the repair/renovation versus demolition of the subject structure(s). Also during that time, the city council will have the opportunity to take action to designate the building as a local landmark. After the six (6) months have passed, the planning commission shall review all of the information gathered during that time and make a decision regarding either approving or denying the demolition request.
(d) Demolition is inappropriate:
   (i) If a building is of such architectural interest and value that its removal would be detrimental to the public interest;
   (ii) If a building is of such unusual or uncommon design and materials that it could not be reproduced without great difficulty or expense; or
   (iii) If its proposed replacement would make a less positive visual contribution to the neighborhood, would disrupt the character of the neighborhood or would be visually incompatible.
(e) Demolition is appropriate:
   (i) If a building has lost its architectural integrity and its removal will not result in a more negative, less appropriate visual effect on the neighborhood;
   (ii) If a building does not contribute to the architectural character and importance of the neighborhood and its removal will result in a more positive, appropriate visual effect on the neighborhood; or
   (iii) If denial of the demolition will result in an economic hardship on the applicant, as determined by the Lebanon Planning Commission. The applicant shall provide proof, in the form of cost estimates for renovation of the structure, anticipated value of the property after renovation, expected income after renovation if the property is to be sold or rented, and any other information that may be requested by the planning commission as they make their decision regarding a potential economic hardship for the applicant.
   (iv) If a building is deemed to be a safety hazard as determined by the chief building official.

At the same time that the planning commission considers approval of the demolition of a structure(s), the planning commission shall also consider approval of the plans for redevelopment of the property. In order to ensure that the applicant proceeds in a timely manner with the approved redevelopment plans, the applicant shall provide a letter of credit in the amount of twenty percent (20%) of the development costs of the approved plans as reviewed by the chief building official. The chief building official will have the final say with respect to the reasonableness of the development costs provided by the applicant.

(f) Demolition review exemptions. Review of demolition requests for structures in the B-6 district shall not be required if a structure is condemned for structural reasons by the chief building official or for any structure which is less than two hundred (200) square feet in size.

(g) Appeals. Any person affected by a determination made by the planning commission relative to a determination of the significance of a structure and/or the approval or denial of a demolition permit may
appeal such determination to chancery court. (deleted by Ord. #96-1520, Oct. 1996; as added by Ord. #04-2632, April 2005, and amended by Ord. #06-2983, Oct. 2006)
CHAPTER 5

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION
14-501. M-1 Districts (Industrial Subdivisions).
14-502. M-2 Districts (Light Industrial).
14-503. M-3 Districts (Heavy Industrial).
14-504. M-4 Districts (Business/Manufacturing Park).

14-501. M-1 Districts (Industrial Subdivisions). Within the M-1 Districts as shown on the Official Zoning Map of Lebanon, Tennessee the following regulations shall apply:

(1) Uses permitted.
   (a) All types of industrial activities except: Uses considered dangerous or unsafe, such as explosives; uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, or water-carried waste; and uses considered objectionable by reason of adverse effect on adjoining uses, such as junk or salvage yards.
   (b) Commercial and public uses and areas for recreation appropriate to the industrial development and subject to the approval of the planning commission.
   (c) Outdoor storage of materials only where such storage is visually screened from approaches.

(2) Self-service storage facility. Use on appeal.

(3) Uses prohibited. Any use not specifically permitted.

(4) Land coverage, yards, setbacks, and open space.
   (a) On each site there shall be at least two and one-half (2½) square feet of land area for each square foot of building area, so that not more than forty (40) percent of the site shall be used for building purposes. In addition, sufficient land for access, loading and unloading space, and landscaping shall be provided.
   (b) Side yards shall be a minimum of twenty-five (25) feet each and shall equal at least fifty (50) feet on each individual site. However, where suitable and approved by the planning commission, the twenty-five (25) foot minimum may be waived, or one side yard may be eliminated, provided the other side yard is increased to a minimum of fifty (50) feet.
   (c) All buildings shall be set back at least seventy-five (75) feet from the property line abutting any street. Entrance ways shall be considered a part of the building and shall be set back seventy-five (75) feet from the property line of the street on which they front.
   (d) Where two (2) or more buildings are located on a single site, the space between them shall be determined by operative requirements. Buildings backed to a common rail facility or buildings, sharing common
truck or car lanes shall have open space for the right-of-way of these facilities.

(e) Rear yards shall be a minimum of twenty-five (25) feet. No rear yard shall be required for that part of the lot which fronts on or abuts a railroad siding or railroad right of way.

(5) Circulation.

(a) Street standards.

For industrial boulevard right-of-way--100 feet.
pavement--two 44-foot lanes.

For major industrial street right-of-way--100 feet.
pavement--50 feet. For minor industrial street right-of-way--70 feet.
pavement--35 feet.

(b) Driveway lane widths.

For trucks single lane--15 feet.
double lane--30 to 32 feet.

For passenger vehicles single lane--12 feet.
double lane--30 to 32 feet.

(6) Parking.

(a) All parking and loading of vehicles shall be on the site.

(b) Parking and loading area shall be treated to provide a dust-free surface.

(c) Parking and loading in the front shall be permitted only when visually screened by landscaping and other appropriate screening arrangements.

(d) Parking spaces maintained in connection with the original building or structure shall not be counted as serving new structures or additions; nor shall any parking space be substituted for a loading space nor any loading space substituted for a parking space. Adequate space shall be allowed to permit expansion of the parking area upon conversion of use.

(e) There shall be provided storage or parking space for all vehicles used directly in the conduct of industrial, commercial, or warehousing uses.

(f) For a manufacturing use the following minimum number of spaces shall be provided:
One (1) general parking space nine (9) feet in width for each two (2) plant employees.

One (1) general parking space nine (9) feet in width for each managerial position.

One (1) visitor parking space nine (9) feet in width for each ten (10) managerial positions, with a minimum of six (6) visitor parking spaces provided.

One (1) visitor parking space nine (9) feet in width for each ten (10) managerial positions, with a minimum of six (6) visitor parking spaces provided.

(g) For a business or commercial use (warehouses) the following minimum number of spaces shall be provided:

One (1) general parking space nine (9) feet in width for each one thousand (1,000) square feet of gross floor area used for warehousing and distribution.

(h) For the purpose of loading and unloading, truck parking stalls shall be one hundred (100) feet in depth and twelve (12) feet in width.

(i) Any variation from the above parking requirements may be made only upon review and recommendation of the planning commission.

(7) Height. No building shall exceed six (6) stories or seventy-five (75) feet in height.

(8) Landscaping.

(a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(c) Landscape treatment shall not interfere with the site line requirements of traffic circulation nor obstruct views of buildings or their means of identification.

(d) All landscaping shall be designed for maximum maintenance. In an area or spot extremely difficult to maintain, paving or terracing may be used as a part of the landscape treatment.

(e) Landscaping may be in the form of grass lawns and ground covers, shade trees in parking areas, street trees and planting in areas used as dividers and in other suitable areas. It may also include the use of walks, screeners, terraces, fountains, etc.

(f) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(g) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure.

(9) Building design.
(a) All architectural designs, including those for alterations, additions, and remodeling, are to be subject to the review and approval of the planning commission.

(b) The outside walls of all buildings shall be of masonry construction, its equivalent, or better.

(c) Accessory buildings, markings, and enclosures shall be consistent in design and quality of materials used with the building to which they are accessories.

(d) The location, size, and construction of signs shall be in keeping with the character of the industrial park.

10) Special conditions.

(a) In case of special size or shape of site, or condition of terrain, or special use, operation, or treatment not provided for within the foregoing general conditions, each special case shall be subjected to the consideration and recommendation of the planning commission to permit such variance or exception that will make possible protection to all adjacent users as well as to the development as a whole.

(b) Areas designed for other uses in the development, such as industrial community centers, commercial, recreational, or public uses, shall be controlled by the planning commission through physical design.

(c) Areas reserved for future development and those utilized by the district as a whole as designated in the general plan of the development, shall together with these other non-industrial uses, conform to be objectives of these standards. (1968 code, § 11-501, as amended by ord. 86-543, § 12, ord. 86-550, § 7, ord. 88-603, § 1, ord. 90-790, § 2, ord. 90-797, § 7, modified, and Ord. #06-2954, Aug. 2006)

14-502. M-2 Districts (Light Industrial). Within the M-2 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Gasoline service station, automobile sales and service establishment, broadcasting and receiving station, restaurant, chemist shop, drug store, electrical equipment appliance and supply store, electrical repairing, feed store, enameling and painting, food store, frozen food locker, funeral home, greenhouses and landscaping, hardware store, kennels, laboratory, market, music stores, office, bank, equipment and supply shop, plumbing and heating fixture supply shop, television and radio repair shop, sheet metal shop, upholstery shop, hangars, hatchery, tailor shop, rubber vulcanizing shop, bus depot, outdoor advertising signs and advertising structures, animal hospital, bakery, printing, publication or engraving concern, bottling works, building materials, yard, cabinet making, carpenter shop, textile manufacture, contractor's yard, dairy, dyeing and dry cleaning works using synthetic fluids, electric welding,
feed or fuel yard, fruit packing or canning, ice plant, laundry, machine shop, marine and heavy equipment wholesale sales, milk distributing station, optical goods, paper box manufacture, trucking terminal, warehouse and grist, flour and feed mill, janitorial and swimming pool equipment and supply store, barber shop, churches and other places of worship, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Auto wrecking or junk yards, gasoline, propane or any other liquified petroleum gas, oil or alcohol storage above the ground in excess of five hundred (500) gallons, public parks and public recreation facilities, railroad rights-of-way, municipal, county, state, or federal use, and public utilities. (Commercial propane or liquified petroleum gas distribution use shall be regulated by all NFPA codes and said commercial or distribution use cannot be located within 800' of an established gathering place of 100 or more people, distance to be measured from property line to use.)

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required yard and building area.

(a) All buildings occupying a lot with area of twenty thousand (20,000) square feet or more shall be located so as to comply with the following minimum requirements:

Minimum depth of front yard ...................... 30 feet
Minimum width of each side yard ...................... 20 feet
Minimum depth of rear yard .......................... 25 feet

(b) All buildings occupying a lot with area of less than twenty thousand (20,000) square feet shall be located so as to comply with the following minimum requirements:

Minimum depth of front yard ...................... 30 feet
Minimum depth of rear yard .......................... 20 feet

(c) No yard shall be required for the part of the lot which fronts on or abuts a railroad siding or railroad right-of-way.

(d) On lots adjacent to a residential zone, all buildings shall be located to conform to the side yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than thirty (30) feet.

(5) Required setbacks. All buildings and accessory structures shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

Highways and arterials ............................... 80 feet
Collectors ........................................... 80 feet
(6) **Height.** No building shall exceed six (6) stories or seventy-five (75) feet in height, except that for every five (5) feet in excess of seventy-five (75) feet, one (1) additional foot shall be added to the width of the required side yards. Where no yard is already required, such additional yard requirements shall constitute a required yard.

(7) **Off-street loading and unloading space.** Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street. (This provision may be waived at the discretion of the planning commission in cases involving existing buildings.)

(8) **Landscaping and screening.** (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line.

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-502; as amended by ord. 86-543, § 13; ord. 86-550, § 8; ord. 89-710, § 1; ord. 90-797, § 8; Ord. #93-1067, § 1, March 1994; Ord. #94-1174, § 1, July 1994; Ord. #97-1675, Oct. 1997; Ord. #99-1918, May 1999; Ord. #99-1989, § 1, Sept. 1999; Ord. #00-2100, June 2000; Ord. #01-2265, Sept. 2001; Ord. #05-2761, July 2005, and Ord. #09-3550, July 2009)

**14-503. M-3 Districts (Heavy Industrial).** Within the M-3 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) **Uses permitted.**

(a) Gasoline service station, electrical repairing, feed store, enameling and painting, kennels, laboratory, market, office, sheet metal shop, upholstery shop, hangars, hatchery, rubber vulcanizing shop, bus depot, outdoor advertising signs and advertising structures, adult-oriented businesses including but not limited to: adults-only bookstores, adult cabarets, adult entertainment centers, adults-only motion picture theaters, adult motels, massage parlors, rap parlors and saunas, animal hospital, bakery, printing, publication or engraving concern, bottling works, building materials yard, cabinet making, carpenter shop, textile manufacture, contractor's yard, dairy, dyeing and dry cleaning works, electric welding, feed or fuel yard, fruit packing or canning, ice plant, laundry, machine shop, milk distributing station, optical goods, paper box and pencil manufacturing, tinsmith shop, trucking terminal, warehouse, grist, flour and feed mill, self-service storage facilities, churches and
other places of worship and other uses which in the opinion of the board of zoning appeals are similar in character to those enumerated in this section and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) No adult oriented business including but not limited to, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor or sauna shall be operated or maintained within one thousand (1000) feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a day care facility, public library, or private/public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors as defined in Title 8, Lebanon Municipal Code, or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna. The distance limitations in subsection (b) shall be measured in a straight line from and to the nearest lot lines of said premises.

(c) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal.

(a) Boiler and tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage or raw hides and skins, distillation of bones, coal, woods, or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline, propane or any other liquified petroleum gas, or oil storage above ground in excess of five hundred (500) gallons, slaughter house or stockyard, smelting plant, and the manufacture of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, or any other use which in the opinion of the board of zoning appeals would cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust, or other objectionable conditions. Extractive or mining operations and accessory uses contiguous to a mining or quarrying operation that has been active for the past seven (7) consecutive years, is zoned M-3 according to the City of Lebanon's zoning classification system, is permitted by the state department of environment and conservation, that was approved by the appropriate local legislative authority at the time such mining or quarrying operation began and all access to such mining shall originate and be contained entirely within the contiguous M-3 mining operations;
provided such mining or quarrying operation shall be approved as a planned unit development in conformance with §§ 14-801 -- 14-803.

(b) Auto wrecking or junk yards, public parks and public recreation facilities, railroad rights-of-way, municipal, county, state, or federal use, and public utilities. (Commercial propane or liquified petroleum gas distribution use shall be regulated by all NFPA codes and said commercial or distribution use cannot be located within 800' of an established gathering place of 100 or more people, distance to be measured from property line to use.)

(3) **Uses prohibited.** Any use not specifically permitted or permissible on appeal.

(4) **Required yards.** (a) On lots adjacent to a residential zone, all buildings shall be located to conform to the yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than fifteen (15) feet.

(b) Rear yards shall be a minimum of twenty-five (25) feet. No rear yard shall be required for that part of the lot which front or abuts a railroad siding or railroad right-of-way.

(5) **Required setbacks.** Every building or structure or its accessory building shall be set back from the centerline of every street according to the type of street as indicated on the Lebanon, Tennessee Major Road plan as follows:

- Highways and arterials ................................................... 80 feet
- Collectors ................................................................. 80 feet

(6) **Height.** No building shall exceed six (6) stories or seventy-five (75) feet in height.

(7) **Off-street loading and unloading space.** Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space should have access to a public alley, and if there is no alley, to a public street.

(8) **Landscaping and screening.** (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment if deemed necessary by the planning commission.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks, if deemed necessary by the planning commission.

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 code, § 11-503, as amended by ord. 86-543, § 14, ord. 86-550, § 9, ord. 90-790, § 3, ord. 90-797, § 9, Ord. #93-1967, March 1994, and Ord. #95-1286, § 2,

14-504. M-4 District (Business/Manufacturing Park). Intent: The purpose of the M-4 Districts, as shown on the Official Zoning Atlas of Lebanon, Tennessee, is to provide for business/commercial uses and limited industrial uses which are in the main compatible with nearby properties in agricultural, residential or commercial use. Business Park District uses will be allowed only along collector and arterial streets as designated on the official Major Road Plan. Provisions of the Business Park District shall only apply to tracts containing, when taken as a whole, a minimum of seventy-five (75) acres.

(1) Uses permitted. (a) Commercial activities: Automotive storage and repair (vehicular repair must be enclosed); business and communication services; churches and schools; community facilities, administration, education, essential service; construction sales and services; consumer laundry and repair; convenience retail sales and service; equipment repair services (enclosed); financial, consulting and administrative activities and services; food and beverage service, food service takeout; hotels and motels; offices and office showrooms; outdoor recreation, tennis, swimming and related indoor recreation activities; personal services; plant nursery; professional services; medical and non-medical; recreational and related services; retail business supply; undertaking service; veterinary hospitals and related enclosed services; vehicular, marine craft and related equipment sales or rental (franchised), including sales and rental of incidental or related trade-ins; warehousing, goods transport and storage; wholesale sales, specifically excluding marine, and heavy equipment wholesale operations; gasoline/service stations; food stores; restaurant; theaters; retail stores; and self-service storage facilities.

(b) Manufacturing activities (involving compounding, processing, assembling, packaging, treatment or fabrication): Aircraft and spacecraft parts and accessories; apparel and accessories; art objects; automotive parts and accessories; bakery goods; beverages; book binding; dairy products; data processing service; engineering and other professional services; electronics and electronic equipment food products; furniture; scientific, medical, dental equipment and supplies; optical instruments and lens; pharmaceutical products; photocopying; photogravure; precision machining of dies, jigs and fixture; printing, publishing and recording; upholstering.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Any similar use which, in the opinion of the board of zoning appeals, would be in keeping with the uses permitted and the general character of the area in which it is located. Extractive or mining
operations and accessory uses including subsurface extractive or mining operations contiguous to a mining or quarrying operation that has been active for the past seven (7) consecutive years, is zoned M-4 according to the City of Lebanon's zoning classification system, is permitted by the state department of environment and conservation, that was approved by the appropriate local legislative authority at the time such mining or quarrying operation began and all access to subsurface mining shall originate and be contained entirely within the contiguous mining operations; provided such subsurface mining or quarrying operation shall be approved as a planned unit development in conformance with §§ 14-801--14-803.

(3) **Uses prohibited.** Any use not specifically permitted or permissible on appeal. Specifically prohibited are the following activities: Abrasive, asbestos, and non-metallic mineral processing; any extractive or mining operation; except as authorized in subsection (2); arsenals; asphalt, cement or concrete plants or batching operation; cotton ginning; crematories; fat rendering; foundries; grain milling, junkyards and automotive graveyards; scrap processing operations; nuclear reactors; offal processing; ore reduction; paper mill; petroleum refining; pulp manufacturing; radioactive material waste handling; recycle processing center for the outside processing or outside storage of recyclable items such as food and beverage containers, fabrics and paper; rock crushing; rolling and finishing of ferrous metals; scrap operation; slaughtering; smelting and refining of metals and alloys; steel works; tanning; waste disposal by compacting or incineration (as a principal use).

(4) **Required lot area, lot widths, yards and setbacks.** (a) **Front yards.** Lots shall be fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way lines of streets the maximum distance shown below, according to their classification as indicated on the latest official municipal regional thoroughfare plan:

- **Arterial streets** .................................................. 60 feet
- **Collector streets** ............................................. 35 feet

On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.

(b) **Side yards.** The minimum side yard adjoining non-residential districts shall be twenty (20) feet. The minimum side yard adjoining residential/ agricultural districts shall be one hundred (100) feet.

No side yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

(c) **Rear yard.** The minimum rear yard adjoining non-residential districts shall be twenty (20) feet. The minimum rear yard adjoining residential/ agricultural districts shall be one hundred (100) feet.
No rear yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

(d) **Spacing of structures.** All one and two story principal structures on a lot shall have a minimum yard of thirty (30) feet between them; all three story principal structures on a lot shall have a minimum yard of forty (40) feet between them.

(e) The minimum lot width at the building line shall be 100 feet.

(f) The minimum lot area shall be 20,000 square feet. The minimum lot depth shall be 150 feet.

(g) Maximum building area shall be fifty (50) percent of the total lot area.

(5) **Height.** No building shall exceed five (5) stories or sixty-five (65) feet in height. No building exceeding one story in height shall be permitted any closer than one hundred (100) feet to any lot line abutting any residential district.

(6) **Off-street parking.** (a) **General requirements.**

(i) Off-street parking shall be located on land owned by the owner or owners of the principal use it is intended to serve. Such parking shall be on the same lot as the principal use served by the parking or, if not on the same lot, on a separate lot zoned for permitting such use within four hundred (400) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, that churches may establish joint parking facilities, not to exceed fifty (50) percent of the required spaces, with other uses that do not have a time conflict in parking demand. Such joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary. Such requests must be filed as a variance request, to be considered by the board of zoning appeals.

(ii) An area once designated as off-street parking to conform to these minimum regulations shall not be changed to any other use unless and until equal facilities are located elsewhere in conformance with these requirements.

(iii) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several uses computed separately; provided, however, that the same off-street parking may serve more than one principal use where operating hours do not overlap but only upon approval by the board of zoning appeals.

(iv) Every company owned car, truck, tractor and trailer normally stored at the building site shall be provided with an off-street parking space in an area reserved for their use.
(v) The storage of merchandise, motor vehicles for sale, unserviceable vehicles, or the repair of vehicles on required off-street parking is prohibited.

(7) Off street loading and unloading space. Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space should have access to a public alley, and if there is no alley, to a public street.

Off street loading and unloading space shall be required for all commercial uses as set forth:

<table>
<thead>
<tr>
<th>Floor Area (Sq. Ft.)</th>
<th>Minimum Required Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 100,000</td>
<td>1</td>
</tr>
<tr>
<td>100,000 - 300,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 300,000 or fraction of ½ or more thereof</td>
<td>1</td>
</tr>
</tbody>
</table>

(8) Storage. (a) No loading uses shall be located between any principal or accessory structure in this district and adjoining residential district, except as approved by the board of zoning appeals.

(b) Outside storage shall be effectively screened from streets and adjacent property by walls, fences and/or landscaping.

(c) Stored merchandise shall not protrude above the height of the screening and shall not be visible from streets.

(d) Screening walls or fences shall be a minimum of six (6) feet in height.

(e) Storage areas shall not be located within required front setbacks.

(f) Within this district, enclosed shall mean to be completely contained within a building.

(9) Landscaping. Landscaping and screening plan shall be shown on the site plan to be reviewed by the planning commission; minimum requirements are:

(a) In the one hundred (100) foot side and rear yard required within this zoning district where it abuts a residential/agricultural zoning district, there shall be appropriate fencing, corresponding to the architecture of surrounding structures, with the height and visual screening as determined by the planning commission, with appropriate green treatment within the required setback and/or a minimum 20' strip of solid landscaping consisting of trees, shrubbery at minimum size and spacing as determined by the planning commission with appropriate green treatment within the required setback.

(b) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.
(c) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(10) Signs. All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises, except as otherwise allowed under this title, are prohibited. (Ord. 89-739, § 1, modified, as amended by Ord. #97-1675, Oct. 1997; Ord. #99-1990, Sept. 1999; Ord. #00-2083, May 2000; Ord. #05-2819, Nov. 2005, and Ord. #06-2954, Aug. 2006)
14-601. Special district. Within the AG District, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply.

1. Uses permitted. (a) Customary general farming uses, gardens and buildings incidental thereto except commercial animal or poultry farms, feed lots and kennels.
   (b) Uses or buildings specifically permitted in R-1A Districts.
   (c) Accessory uses or structures customarily incidental to above permitted uses.

2. Uses permitted on appeal. Parks, playgrounds, churches, schools offering general education courses, public libraries, municipal buildings, philanthropic institutions and clubs except a club the chief activity of which is customarily carried on as a business, in keeping with the character and requirements of this district.

3. Uses prohibited. Any use not specifically permitted or permissible on appeal.

4. Required lot area, lot widths, and yards. The principal building shall be located as to comply with the following minimum requirements:
   Minimum lot area
   For uses not served by sanitary sewer ............ 40,000 sq. ft.
   For uses served by sanitary sewer ............... 20,000 sq. ft.

   Minimum lot width at building line
   For residences without sanitary sewer ............... 125 ft.
   For residences served by sanitary sewer .......... 100 ft.
   For institutional use ................................ 250 ft.
   For other permitted use .............................. 200 ft.

   Minimum depth of rear yard .............................. 40 ft.

   Minimum side yard on each side of every lot
   For one or two story buildings not served by sanitary sewer ................................. 20 ft.
   For three story buildings not served by sanitary sewer ... 25 ft.
   For one or two story buildings served by sanitary sewer ... 15 ft.
   For 3 story buildings served by sanitary sewer .......... 20 ft.
   On a corner lot (streetside) ..................... Minimum plus 50%
(5) **Building area.** On any lot, the area occupied by all structures, including accessory structures, shall not exceed 40% of the total area. Accessory structures shall not cover more than 20% of the rear yard.

(6) **Required setbacks.** All principal and accessory structures and buildings shall be setback from the right-of-way lines of streets the minimum distance shown below according to the type of street as indicated on the Lebanon Major Thoroughfare Plan:

(a) **Residential uses.**
   - Highways and arterials ............... 65 feet
   - All other streets ..................... 50 feet

(b) **Other permitted uses.**
   - Highways and arterials ............... 80 feet
   - All other streets ..................... 70 feet

(7) No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) **Landscaping.** For a lot whose use is non-residential an appropriate screening device or divider shall be maintained on such property line, 10% of land area shall be landscaped with green treatment, and a 10' strip of landscaped ground shall be maintained along the street property line, excluding driveways.

(9) **Signs.** Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. 86-657, § 1, as amended by Ord. 90-779, § 1, as amended by Ord. #97-1675, Oct. 1997 and further amended by Ord. #98-1772, June 1998, and Ord. #98-1868, Jan. 1999)

14-602. **Provisions governing open space park district (OPD).**
This district is intended to preserve and protect municipally owned, leased and maintained park land including both active and passive recreation areas. Only those uses directly associated with public recreation, including, but not limited to, organized field sports, municipal festivals, public golf courses, hiking trails and the structures intended to support those uses, are allowed in this district. (as added by Ord. #95-1272, § 1, April 1995)

14-603. **Provisions governing college/university districts.**
(1) Uses permitted. (a) College and university facilities (classroom/laboratory/research facilities, administrative facilities, university health centers, sports facilities including fields and courts, auditoriums, libraries, museums, cafeterias, agricultural facilities, parking lots and garages, heating/air conditioning facilities, and maintenance facilities).
(b) Public, private, or parochial schools, and/or kindergartens operated exclusively for, or by, the college/university.

(c) Day-care centers and facilities operated exclusively for, or by, the college/university.

(d) Churches, houses of worship, and student centers sponsored by religious organizations within the college/university.

(e) Fraternity and/or sorority houses sponsored by the college/university.

(f) Single or two family residential dwelling units.

(g) Dormitories, apartments and/or multi-family dwelling units owned and operated exclusively for, or by, the college/university.

(h) Any use customarily incidental to the above permitted uses.

(3) Required lot area, lot widths, yards and setbacks. This zoning district shall allow more than one principal structure per lot.

(a) Front yard. For all residential uses, the minimum depth shall be twenty-five (25) feet.

(b) Side yard. Within the CU district, no side yard shall be required.

(c) Rear yard. For all uses, a rear yard of twenty-five (25) feet is required.

(d) Lot width. For single and two family dwelling units, a lot width of fifty (50) feet is required.

(e) Lot area. For single family dwelling units, a minimum lot area of 7,500 square feet is required.

(f) Maximum lot coverage. Principal or accessory buildings shall cover not more than thirty-five (35) percent of the lot area.
(g) Maximum height. No building shall exceed five (5) stories or sixty-five (65) feet in height.

(h) Spacing. All structures within the CU district shall be spaced a minimum of twenty (20) feet apart. In all cases, where a structure exceeds twenty-five (25) feet in height there shall be an additional one (1) foot spacing for each one foot in height above twenty-five (25) feet.

In all cases, where the peripheral boundary of the CU district adjoins another zoning district (not separated by a street or road) there shall be a setback of not less than twenty-five (25) feet.

(4) Off-street parking requirements. Each required parking space shall be a minimum size of 9 feet by 20 feet. The parking space requirements per development are as follows:

   Residential uses shall have two (2) parking spaces per unit.
   All other uses shall have a minimum of one (1) parking space for each five (5) classroom seats plus one (1) parking space for each three (3) seats in an auditorium.

(5) Landscaping. All sites shall be developed with a minimum of ten (10) percent of its area landscaped with green treatment.

   For all uses there shall be maintained a strip of landscaped ground at least twenty-five (25) feet in depth along the street property line, exclusive of drives and walks. (Ord. #96-1563, Jan. 1997)

14-604. [Deleted.] (as added by Ord. #02-2411, Oct. 2002, and deleted by Ord. #08-3442, Oct. 2008)

14-605. **Specific Plan (SP) zoning districts.** (1) **Purpose.** This section establishes a legislative procedure for context sensitive development. Compatibility with the land uses described in the most currently adopted land use plan may be considered by city council. The zoning districts promote flexibility in the location, integration, and arrangement of land uses, buildings, structures, utilities, access, transit, parking and streets. While providing additional flexibility for the developer, the zoning district also provides greater certainty as to the resulting development. The SP district is a zoning district, not an overlay district.

(2) **Applicability.** A Specific Plan (SP) district may be applied to any property.

(3) **Procedure.** The procedure for creating or modifying an SP zoning district is the text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205 ("Text Amendment Procedure"), and this section.

   (a) **Initiation.** Any City of Lebanon public official or any other person or entity with ownership interest in the subject property may file an application to create an SP zoning district.
(b) Application. An application to create an SP zoning district must be filed with the planning director. Prior to submitting an application to create an SP zoning district, the applicant and their design professional are required to attend a pre-application conference with members of the planning and engineering staff. The pre-application conference must be pre-scheduled and the councilperson for the ward in which the property is located will be invited to attend the pre-application conference. Other staff may also be invited to the pre-application conference as requested by the applicant or design professional or as determined to be appropriate by the planning or engineering staffs. A complete application must include the following:

(i) A draft SP ordinance that includes zoning district text that addresses the elements of subsection (4), below.

(ii) A map of the land area within which the SP ordinance will apply. (This will be adopted as part of the official zoning map pursuant to § 14-219(2)).

(iii) A draft amendment to § 14-219 (classification of districts) that lists the proposed SP district.

(iv) A written document describing the existing conditions on the property and how the proposed use(s) will be consistent with the principles and objectives of the adopted land use plan.

(v) Copy of current letter indicating water and sewer availability from the appropriate water and/or sewer provider.

(vi) A statement that the applicant agrees to be bound by the standards and procedures in the draft ordinance or, if the draft ordinance is altered during the text amendment procedure, any standards and procedures that the applicant consents to during the process.

(c) Processing. (i) The planning director will refer a complete application to the planning commission. The planning commission will then process the application using the text amendment procedure outlined in chapter 12 of the zoning ordinance.

(ii) The planning director will return an incomplete application to the applicant along with an explanation of the deficiencies.

(iii) If the planning commission alters or modifies the draft SP zoning district, the applicant may agree to the changes, withdraw the application, or state its disagreement with the changes. Nothing in this section requires the planning commission to recommend approval to city council of an application if they disagree with the draft SP zoning district.

(iv) Upon city council rezoning property to SP by proper ordinance, development plans such as site plans shall follow the review and approval procedure as outlined in the zoning ordinance.
Development plans for subdivision plats shall follow the review and approval procedure as outlined in the subdivision regulations.

(4) **SP zoning district text.** (a) Contents. While there is no set "type" of SP zoning district, as each one is unique, there will be different levels of detail required, depending on what is to be accomplished by the SP zoning district and any distinctive site characteristics of the property for which the SP zoning district is proposed. The SP zoning districts shall substantially conform to the layout and format of the zoning district regulations established in chapters 2 through 5 of this title 14. The SP zoning district shall be labeled "SP-" followed by a use classifier, ® – Residential, C – Commercial, I – Industrial/Manufacturing or MU – Mixed Use), and a unique suffix (e.g, "SP-MU-Lebanon Acres"). The SP zoning district shall include details regarding the following elements, either as written text, illustrations, tables or exhibits:

(i) A list or table of land uses that will be permitted. Based on the uniqueness of the SP zoning district there shall be no allowances for uses permissible on appeal.

(ii) Required lot area, lot widths, yards, and bulk regulations.

(iii) Dimensional and massing standards such as floor area ratio, building coverage, height, and facade length.

(iv) Landscaping standards including proposed open space, screening and buffering standards.

(v) Sign standards.

(vi) Parking standards.

(vii) Accessory building standards.

(viii) Building material and architectural design standards.

(ix) Parks and open spaces standards.

(x) Street, water, sewer, stormwater management, including natural gas, electric, streetlights and other infrastructure standards.

(xi) Detailed development plan showing the proposed layout of the entire property with respect to uses, potential road, lot and/or building configurations.

(xii) Detailed information regarding anticipated traffic volumes, impact to existing roads and need for improvements based on detailed development plan.

(xiii) Information related to drainage patterns and preliminary plans for drainage, including preliminary detention calculations. If the city engineer or other professional engineering studies determines that drainage problems exist off the site of the proposal and the proposed development could exacerbate those problems, the planning director may require a broader and more global assessment of drainage issues be submitted.
(xiv) Detailed development and phasing plan for the entire property.


(xvi) Any other standards deemed necessary and/or appropriate by the planning, engineering, cross-connection, and/or fire departments.

(xvii) Any other standards deemed necessary and/or appropriate by the planning commission.

(xviii) Any other standards deemed necessary and/or appropriate by the city council during the legislative text amendment process.

(b) SP zoning district ordinance. (i) Standards need not be uniform for the entire development. If standards are not uniform, provide an illustration, table or written document clarifying where those standards are proposed.

(ii) Site plans, subdivision plats or other permits that are processed after the SP zoning district is approved must comply with the City of Lebanon's Subdivision and Stormwater Regulations.

(c) Effect. If the city council adopts the SP zoning district, the SP zoning district replaces any zoning district regulations previously in effect for the property or land area. All uses, development activity, permits, site plans, subdivision plats, and certificates of occupancy shall conform to the standards that are established in the SP zoning district.

(5) City council actions. (a) The city council will consider the elements and standards that are proposed by the applicant during the legislative process. If adopted, they will become codified as part of the zoning ordinance.

(b) Upon recommendation by the planning commission, the city council will review the application for a SP zoning district. A SP zoning district application with a negative recommendation from the planning commission may be considered by the city council under the legislative power of the city council to amend the zoning ordinance, the council may approve, disapprove or approve subject to conditions. If the council makes any substantial changes, alterations or establishes conditions, the application for a SP zoning district shall be returned to the planning commission for review. The city council may then take final action to approve or disapprove the application using the text or map amendment procedures outlined in chapter 12 of the zoning ordinance.

(c) Notwithstanding any provision of this ordinance or law to the contrary, the actions of the city council in approving or disapproving a SP zoning district shall specifically be a legislative act as authorized by Tennessee Code Annotated, § 13-7-204.
(6) Severability. Each section, subsection, paragraph, sentence, and clause of this section, including any 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 this section shall not affect the validity of any other portion of this section and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #08-3362, Oct. 2008)
CHAPTE 7

PROVISIONS GOVERNING FLOODPLAINS

SECTION
14-701. Statutory authorization, findings of fact, purpose and objectives.
14-702. Definitions.
14-703. General provisions.
14-704. Administration.

14-701. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 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 Lebanon, Tennessee Mayor and Aldermen do ordain as follows:

(2) Findings of fact. (a) The Lebanon Mayor and Aldermen wish 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 CFR ch. 1 (10-1-04 edition) and subsequent amendments.

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

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

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and

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1The contents of this chapter are the product of Ord. #94-1235 (Dec. 1994) which replaces in its entirety ord. 91-854, § 2, which replaces in its entirety ord. 82-492, § 2, as amended by ord. 87-564, § 2, and ord. 88-599, § 1, and replaced in its entirety by Ord. #07-3273.
private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which 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 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 chapter 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. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

14-702. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give this chapter 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 flood proofed.

(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 chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and 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 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" 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 chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.
(17) "Existing construction" 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 (FHBMB)" 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 "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 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 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 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 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 chapter.

\(43\) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle," 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 (FHBDM) 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 chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

\(47\) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

\(48\) "New construction" means any structure for which the "start of construction" commenced after the effective date of the ordinance creating this
chapter 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 the ordinance creating this chapter 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 preidentified by the local code
enforcement official and which are the minimum necessary to assume
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 chapter which permits construction in a manner otherwise prohibited by this chapter 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 chapter 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. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

14-703. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Lebanon, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Lebanon, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 470208 47189C0063D, 0154D, 0156D, 0158D, 0160D, 0162D, 0166D, 0167D, 0170D, 0176D, 0177D, 0178D, 0179D, 0181D, 0183D, 0185D, 0186D, 0190D, 0191D, 0192D, 0285D: Effective Date: February 20, 2008, and the areas of special flood hazard identified on the Lebanon, Tennessee, FEMA, FIS and FIRM, Community Panel Number 470208 47189C0045E: Effective date: May 18, 2009, along with all supporting technical data, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

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

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

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

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body; and
(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance 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 Lebanon, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(Ord. #91-854, § 2, as replaced by Ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008, and amended by Ord. #09-3525, May 2009)

14-704. Administration. (1) Designation of ordinance administrator. The city engineer is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials 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 chapter.
(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFEs are
available, or to the highest adjacent grade when applicable under this chapter.

(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in § 14-704(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 chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act 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 § 14-704(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 flood-proofed, in accordance with § 14-704(2).

(g) When flood proofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-704(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 chapter.

(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 chapter.

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
§ 14-702 of this chapter). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in § 14-704(2).

(j) All records pertaining to the provisions of this chapter shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

14-705. **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;

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

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

(k) For each cubic yard of fill material placed within the regulatory floodplain on a site, a cubic yard of material shall be removed from the regulatory floodplain on the same site or nearby approved site. Said nearby approved site must be approved by the planning commission and the administrator. The nearby approved site for removing material to create floodplain storage to offset any fill placed within the floodplain or any displacement of floodplain storage shall meet the requirements and/or policy as recommended by the United States Army Corps of Engineers.

(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 two feet (2') 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 § 14-705(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 § 14-702 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-704(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 § 14-702 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-704(2).

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the
passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A 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 § 14-704(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 § 14-705(2) of this chapter.

(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.
(iii) 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 two feet (2') 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 § 14-705(2)(d) of this chapter.

(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 § 14-703(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 § 14-705.

(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 § 14-703(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 § 14-705(2).

(5) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special flood hazard established in § 14-703, 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 § 14-703, 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 § 14-705. 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 § 14-705(2), and "elevated buildings."

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in § 14-703(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to at least two feet (2') 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 § 14-705(2), and "elevated buildings."

(b) All new construction and substantial improvements of non-residential buildings shall:

(i) 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 § 14-705(2), and "elevated buildings."

(ii) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one foot (1') above the 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 flood proofed 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 chapter and shall provide such certification to the administrator as set forth above and as required in § 14-704(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 (A-99 Zones). Located within the areas of special flood hazard established in § 14-703 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 (A-99 Zones) all provisions of §§ 14-704 and 14-705(1) shall apply.

(8) Standards for unmapped streams. Located within Lebanon, 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 flood proofed to elevations established in accordance with § 14-704. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

14-706. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within Lebanon, Tennessee. (1) Board of zoning appeals. (a) The Lebanon Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

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

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon: 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. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)
CHAPTER 8

PLANNED UNIT DEVELOPMENTS

SECTION
14-801. Requirements.
14-801. Purpose
14-802. General provisions
14-803. Administrative procedure
14-804. Residential planned unit developments
14-805. Commercial planned unit developments

14-801. Requirements. For purposes of any existing planned unit developments as of the date that the ordinance creating this section is adopted on final reading, the following requirements and regulations, as outlined in Ordinance #05-2722, shall apply. With the passage of the ordinance creating this section, no new planned unit developments shall be considered. (as added by Ord. #08-3362, Oct. 2008)

14-802. Purpose. Planned unit developments districts are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities; to preserve, as much as possible, existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. (as added by Ord. #00-2152, Oct. 2000; and replaced by Ord. # 05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

14-803. General provisions. This chapter is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment. PUDs may be permitted in all zoning districts except the B-2 (Central Business) district.

The planning commission may consider, and the city council may adopt by ordinance, a PUD preliminary master plan satisfying the following criteria:

(1) The proposed development will not unduly injure or damage the use, value or enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and long-range development plans for the City of Lebanon.
An approved water supply, community wastewater treatment and disposal and storm water drainage system is available or will be provided by the developer, at their expense, to serve the proposed development.

The design of any PUD should reflect an effort by the developer to plan land uses within the PUD so as to blend harmoniously with adjacent land uses. The location and arrangement of structures, parking areas, pedestrian walkways, lighting and other service facilities shall be compatible with the surrounding land uses.

Screening consisting of fences, walls and/or vegetative materials shall be provided along the edges of PUDs where needed to protect the development from undesirable views, lighting, noise or other off-site influences or to protect occupants of adjoining property from similar adverse influences within the PUD.

Any part of the proposed development not used for structures, parking or other service facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

Any modification of the zoning ordinance, sign ordinance or subdivision regulations that would otherwise be applicable to the site are warranted by the design of the preliminary master plan and the amenities incorporated therein, and are not inconsistent with the public interest.

Homeowner associations or some other responsible party shall be required to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees to maintain such features.

(a) Modification of zoning district regulations. The uniqueness of each PUD may require that bulk regulations within the zoning ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the bulk regulations contained in the zoning ordinance may be permitted when such proposed modification will result in:

(i) Inadequate or unsafe access to the PUD;

(ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;

(iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or

(iv) A development that is incompatible with the purposes of this chapter.
Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting zoning ordinance restrictions; however, in no case shall the use or densities be varied except as herein provided and all setbacks along the boundary of the PUD shall be a minimum of twenty-five feet or as required by the adjoining zoning district, whichever is greater. The property within the required setback may either be part of the individual lots or common open space.

(b) Modification of sign ordinance regulations. The uniqueness of each PUD may require that regulations within the sign ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the sign ordinance may be permitted when such proposed modification will result in:

(i) Inadequate or unsafe access or visibility to or within the PUD; or
(ii) Development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting sign ordinance regulations.

(c) Relationship to subdivision regulations. The uniqueness of each PUD may require that regulations within the subdivision regulations be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the subdivision regulations may be permitted when such proposed modification will result in:

(i) Inadequate or unsafe access to the PUD;
(ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
(iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or
(iv) A development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting subdivision regulations.

(d) Relationship to zoning districts. PUDs shall be permitted in all zoning districts with the exception of the B-2 (Central Business District). Uses within a PUD shall be as permitted by the underlying zoning regulations. The number of dwelling units in the PUD shall be calculated by dividing the gross acreage by the minimum lot size of the underlying zoning district.

(e) Development period, staging schedule. The expeditious construction of all PUDs shall be undertaken to ensure completion of the development in accordance with the approved preliminary master plan.

(i) Start of development. Within one year after approval of the preliminary master plan by city council, by ordinance after a public hearing, a final site plan or final subdivision plat shall be acted upon by the planning commission. Within one year of approval of a final site plan actual construction shall have commenced. Within two years of approval of a final subdivision plat actual construction shall have commenced.

In the event that a final site plan or final subdivision plat is not acted upon within one or two years of approval of the preliminary master plan respectively, the planning commission may, after an official meeting with notice to the developer, cancel the preliminary master plan. Such cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related base rezoning being considered.

(ii) Time extension. The developer may request an extension of the preliminary master plan in one year increments. Approval of any time extension is at the discretion of the planning commission, however, the total time extension shall not exceed two years without re-approval being granted by the city council. When considering approval of a time extension, the planning commission may recommend the preliminary master plan be modified to comply with regulations adopted since the PUD was approved and/or changes to the surrounding properties. Any modifications to the adopted PUD, either as requested by the developer or recommended by the planning commission, shall comply with the regulations for amending a PUD as outlined in section 11-803 of this chapter.

(iii) Phasing of development. The planning commission may permit the development to be constructed in phases so that completion is achieved in a logical manner. Each phase shall be so planned and relate to existing surroundings that failure to proceed
to subsequent phases will not have an adverse impact on the PUD or its surroundings.

(iv) Completion of development. If the planning commission and city council elect to permit the phasing of development the following provisions shall be complied with:

(A) The phasing plan shall include information regarding the construction of improvements such as streets, drainage facilities, water lines, sewer lines, landscaping, etc.

(B) The phasing plan shall include information regarding what will be included in each phase, the order in which phases will be constructed and an approximate date that construction will begin and end.

(C) From time to time it may be necessary to modify the approved phasing plan. Any request to modify the phasing plan shall be submitted in writing by the landowner and/or developer and will be considered as an amendment to the preliminary master plan.

(f) Dedication of and relation to public facilities. (i) The planning commission may recommend, and the city council may require, that suitable areas for streets, utilities, public rights-of-way, schools, parks or other public areas be set aside and/or dedicated to the city.

(ii) PUDs shall be so located in relation to sanitary sewers, water lines, storm and drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required by the city. If any such improvements are required as part of the proposed development, it shall be the responsibility of the developer/landowner to install and pay for such improvements.

(g) Buffer and screening. Minimum landscape buffer depths and related improvements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. These minimum buffer depths are required in order to provide a buffer between existing development and the proposed PUD and ensure that the proposed PUD complements its surroundings. The minimum buffer requirements shall be measured from the property lines and may consist of either common open space or be included as part of individual lots. If the minimum buffer is provided as common open space, a specific minimum building setback for the individual lots shall be stated in the preliminary master plan.

(h) Landscaping. Landscaping requirements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. Landscaping may be provided within the public right-of-way so long as such request is specifically made by the applicant as part of the
preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding the provision of landscaping in the public right-of-way prior to city council considering approval of the preliminary master plan. If landscaping is proposed to be provided in the public right-of-way, city council shall, as part of their consideration, approve an agreement allowing for the placement of landscaping within the public right-of-way. When considering such request, the planning commission and city council should take the following into account:

(i) Provisions shall be stated for the maintenance of any landscaping by a homeowners' or property owners' association of all landscaping within the right-of-way; and
(ii) It shall be clearly understood and stated that the City of Lebanon shall not incur any expense related to the installation, maintenance, upkeep, and/or removal of the proposed landscaping; and
(iii) Any proposed landscaping shall be placed in a manner which takes into consideration the safety of drivers and pedestrians; and
(iv) The city shall not be held liable for any claims arising out of the installation of the proposed landscaping.

(i) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD with the exception of those activities, which would otherwise require use on appeal permits under other chapters of this title. With respect to the approval of a PUD, the action of the planning commission and city council shall be final. After approval of a preliminary master plan, requests for Variances for issues such as setback violations, special use permits and the like shall follow the regulations found in chapter 11 of the zoning ordinance. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

14-804. Administrative procedure. (1) Steps of approval process. Development plans submitted as part of a PUD shall be submitted in a form that will satisfy the requirements of the subdivision regulations for subdivision plats or zoning ordinance requirements for site plan. Review of the subdivision plat or site plan shall be carried out simultaneously with other review of the PUD.

(2) Application for approval of the preliminary master plan and zoning request. Prior to submitting a PUD application, the developer/landowner shall have a pre-application conference with members of the planning and engineering departments. Requirements of the zoning ordinance and subdivision regulations shall apply to all PUDs unless otherwise granted a waiver as part of the preliminary master plan. An application shall be
submitted to the planning commission, along with all documentation as required in these regulations. Any consideration of the preliminary master plan by city council shall be based upon a recommendation by the planning commission. Upon the planning commission making a recommendation, city council will consider approval of the preliminary master plan by ordinance.

(3) Application for final subdivision plat/site plan approval. After a PUD preliminary master plan has been approved, the landowner may make application to the planning commission for approval of a Final Subdivision Plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary master plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the requirements and review procedure for a site plan or final subdivision plat. Final plat/plan approval may be requested and granted in phases.

The final subdivision plat/site plan application shall include a copy of the preliminary master plan showing the overall development, any applicable covenants and/or restrictions, and other required drawings, specifications, easements, conditions and forms of bonds as were set forth by the planning commission’s approval of the preliminary master plan. Copies of all legal documents required for dedication or reservation of common open space and/or for the creation of a non-profit association shall also be submitted. Any deviations from the preliminary master plan and/or phasing plan shall be provided in writing.

As part of the submission requirements for site plan approval of all commercial PUDs, architectural drawings and material samples for the proposed buildings, landscaping plans and information relative to the proposed signage and light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(4) Amendments to the PUD. The terms, conditions, and the preliminary master plan of a PUD may be changed from time to time by official action of the city council and/or planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and shall not modify the mix of uses or increase the overall density. No changes in the type of structures proposed in the preliminary master plan and approved by city council by ordinance shall be made without returning to city council for approval of an amendment. If a request is made to modify a contingency required as a condition of approval by the city council such request for modification shall be required to be considered by city council regardless of what the scope of the requested modification.

The landowner, residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the preliminary master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and
height of buildings, may be authorized by the planning commission based on a recommendation from the planning and engineering departments or other city staff. Changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change shall also require approval of city council and must be justified by changes in conditions or markets since the preliminary master plan was approved.

Minor amendments, such as modifying landscape plats or building elevations, may be approved by the planning commission without consideration being provided by city council. The determination regarding an amendment being minor or major will be determined by planning staff with endorsement of the planning commission.

(5) Cancellation of an adopted PUD. In the event that a final site plan or final subdivision plat is not acted upon within one year of approval of the preliminary master plan or the phasing plan approved as part of the preliminary master plan is not being followed, the planning commission may, after an official meeting with notice to the landowner and/or developer, cancel the preliminary master plan. The preliminary master plan may also be cancelled at any time upon written request by the landowner and/or developer. Any cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related rezoning being considered. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

14-805. Residential planned unit developments. (1) Purpose. The purpose of the residential planned unit development is to permit the clustering of lots in order to allow the creative design of residential property that is harmonious to the surrounding landscape while maintaining the equity of surrounding property owners. A limited amount of commercial development may be permitted within a residential planned unit development, subject to the regulations outlined within this section. It shall be the burden of the applicant to demonstrate the advantages of the planned unit development over the existing underlying zoning district.

(2) Minimum size. There is no minimum size for a residential PUD.

(3) Permitted activities. The following activities may be permitted in a residential PUD only when deemed appropriate by the planning commission and city council as approved with the preliminary master plan. Other activities not listed below are prohibited.

(a) Residential structures.
   (i) Dwelling one-family attached
   (ii) Dwelling one-family detached
   (iii) Dwelling two-family attached
   (iv) Dwelling multi-family

(b) Commercial activities
   (i) Retail uses as permitted within the underlying zoning
(ii) Other commercial uses as permitted by the planning commission and city council

Retail uses shall be limited to a maximum of four percent (4%) of the total amount of property within the PUD.

Any commercial development proposed within a residential PUD shall provide development information relative to bulk regulations, building design, screening, off-street parking, loading and vehicular access, signage, and lighting in accordance with the requirements of commercial PUDs.

(4) Density and bulk regulations. (a) The maximum overall density shall be based on the number of single-family dwellings allowed by the underlying zoning district. This will be calculated by dividing the gross acreage by the minimum lot square footage required by the underlying zoning district. The resulting number will indicate the total number of units to be allowed within the RPUD.

(b) Density bonuses, defined as the granting of additional density, up to a maximum of sixteen percent (16%), in a development in exchange for the provision by the developer of amenities as outlined below, may be granted at the discretion of the planning commission and city council for incorporating any combination of the following elements into the planned unit development. Each element may be eligible for a maximum density bonus of four percent (4%), for a total of no more than sixteen percent (16%) for the entire development.

(i) For the donation of land for a future public use such as a school, park, police or fire station, etc.

(ii) For incorporating a connection to an existing stretch of the City of Lebanon or Wilson County bicycle and pedestrian plan.

(iii) For the introduction of street trees and/or ornamental trees above the current City of Lebanon requirements.

(iv) For designating a portion of the property, currently used as a farming operation, to remain as a permanent agricultural easement.

(c) All buildings within the Residential PUD shall be setback a minimum of fifty (50) feet from periphery side and rear property lines of the site as a whole. Land provided along the perimeter as a landscape buffer may be included in the required fifty foot setback requirement. No principal structures may be place within this required setback.

(d) All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls, and certain utility structures, shall comply with the setback requirements for the underlying zoning district or as approved as part of the preliminary master plan. Electrical substations or any other utility building or structure shall
comply with the front yard setback requirements of the underlying zoning district.

(e) There shall be a minimum distance of twenty (20) feet between all principal buildings consisting of two or more attached units.

(f) No structures within the residential PUD shall have a maximum height greater than three (3) stories.

(5) Streets. All streets, public and private, shall be built to the standards set forth by the City of Lebanon.

(6) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or screening walls.

(7) Landscape buffers. The planning commission or city council when considering the preliminary master plan may require landscape buffers. In the event that such buffers are required the following criteria shall apply:

(a) The landscape buffer shall consist of both land and plant materials.

(b) The landscape buffer shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(c) The landscape buffer shall be a minimum of twenty-five (25) feet in depth and may be located within the peripheral building setback or may be designated as common open space or a combination thereof.

(d) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a final subdivision plat being signed by the appropriate city staff. In the case of townhomes or other multi-family developments, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

(e) All existing mature vegetation within the peripheral building setback should be preserved and incorporated into the landscape buffer to the greatest extent possible.

(f) Maintenance of the landscape buffer shall be the responsibility of the homeowner's association if part of the common open space or the responsibility of individual homeowners with enforcement of such maintenance by the homeowner's association.

(8) Common open space. (a) A minimum of thirty (30) percent of the total property shall be utilized as common open space, which may include land for public use.
(b) Common open space is an essential element of all residential PUDs and every effort shall be made to conserve natural and historic features on the site, including but not limited to:

(i) Mature stands of trees
(ii) The regulatory 100-year floodplain
(iii) Wet weather conveyances, springs, and streams
(iv) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act
(v) Sinkholes
(vi) Slopes above twenty-five percent (25%) of at least five thousand (5,000) square feet of contiguous area
(vii) Unique topographic features, and endangered species habitat

c) In order to provide common open space that may be usable and enjoyed by residents in the PUD, a majority of the common open space shall be in a contiguous tract. A system of trails and/or sidewalks should be used to connect the common open space areas.

d) Common open space shall be suitably improved for its intended use. Common open space containing natural features worthy of preservation, steep slopes or floodplains may remain in their natural state.

e) Whenever possible, the common open space should adjoin neighboring areas of common open space or otherwise protected lands.

f) Buildings may be constructed in the common open space if they relate to, and are accessory to, the intended use of the common open space. Large areas of impervious surface shall be excluded from the common open space calculations.

g) Common open space shall be directly accessible to the largest practicable number of residential lots within the development. Non-adjoining lots shall be provided with safe, convenient pedestrian access to the common open space.

h) Common open space shall be pedestrian friendly.

i) Recreation fields and related facilities are allowed within the required common open space.

j) Agricultural easements may be used to meet the required percentage of common open space. In such an easement, the existing property owner, as well as any subsequent lessee or property owner, will be allowed to continue the current agricultural practices on the property. The agricultural easement agreement shall be shown on the preliminary master plan as well as described in detail within the covenants and restrictions of the residential PUD's homeowners association.

(9) Ownership and management of common open space. (a) The preliminary master plan shall state, or graphically show, the common open space that is proposed to be constructed with each phase of
development. The common open space shall be phased and constructed, so that failure to proceed with subsequent phases will not negatively impact the overall development.

(b) Prior to a final subdivision plat being signed by the appropriate city staff or building permits being issued in the case of townhome or other multi-family development, the developer shall provide a bond or other adequate assurance acceptable to the city that any proposed improvements within the common open space will be completed in a timely manner.

(c) The applicant shall identify the owner of the common open space who is responsible for maintaining the common open space and any facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners in the development and their successors. If a homeowners association is the owner, the homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and any facilities located thereon in accordance with the approved final plans/plats shall be borne by the owner unless dedicated to a public agency who has agreed to maintain and otherwise be responsible for the property.

(d) In the event that the party responsible for the maintenance of the common open space fails to maintain all or any portion of the common open space in reasonable order and condition, the city of Lebanon may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner, homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all properties.

(10) Legal instrument for permanent protection of common open space. The common open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

(a) A permanent conservation or agricultural easement in favor of either:

   (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for the retransfer in the event the organization becomes unable to carry out its functions; or

   (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity
accepting the easement is not the City of Lebanon, then a third right of enforcement favoring the City of Lebanon shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Lebanon.

The instrument for permanent protection shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the common open space. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

14-806. Commercial planned unit developments. (1) Purpose. The general purpose of a commercial PUD is to allow for the construction of a quality, holistic development using a general design theme creating a sense of place while continuing to allow for a wide range of activities and uses.

(2) Feasibility study. The planning commission and/or city council, as part of its deliberations, may require a feasibility study/market analysis for any proposed commercial PUD. The study shall provide information to assist the Planning commission and/or city council to better understand how the proposed development serves the public interest. At a minimum, it shall elaborate on the impact the proposed development will have on the long-range development of commercial land in the city, specifically in and around the subject area. The study shall provide information regarding the developer's financial capability to complete the proposed development, take into consideration the impact of any proposed phasing schedule, and provide any other information as may reasonably be requested by the planning commission and/or city council.

(3) Minimum size. There is no minimum size for a commercial PUD.

(4) Permitted activities. Uses permitted in a commercial PUD shall be as regulated by the underlying zoning district unless otherwise permitted by the planning commission and city council as approved with the preliminary master plan. There are no percentage breakdowns for commercial versus residential uses if residential uses are permitted by the underlying zoning district. If residential uses are proposed as part of a commercial PUD, the residential portion of the PUD shall comply with section 14-804 of this chapter with the following exceptions:

(a) The minimum percentage of common open space shall be twenty percent (20%); and

(b) The minimum percentage of open space for commercial developments shall be twenty percent (20%).
(5) **Bulk regulations.** Unless modified as part of the preliminary master plan, regulations such as the minimum setbacks, maximum height, etc. shall be governed by the underlying zoning district.

(6) **Building design.** As part of the preliminary master plan, information such as architectural drawings, photographs, and/or material samples shall be provided to demonstrate the architectural style of proposed building within the PUD. Throughout the PUD, there shall be a consistent theme with respect to architectural style and building materials.

After the preliminary master plan has been approved, and with the submission of site plan applications, architectural drawings and material samples shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(7) **Screening and buffering.** When structures or uses in a commercial PUD abut residentially zoned property or uses, whether part of the same PUD or adjacent to the PUD, screening and buffering shall be provided. In the event that screening and/or buffering is required, the following criteria shall apply:

   (a) A landscape buffer shall consist of both land and plant materials.

   (b) A screen shall consist of sight-proof fencing or walls of an appropriate height and materials to provide an adequate screen for the subject development and/or the surroundings.

   (c) The landscape buffer and/or screen shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

   (d) The landscape buffer shall be a minimum width of twenty-five (25) feet in depth and may be located within the building setback.

   (e) Existing mature vegetation within the buffer area shall be preserved and incorporated into the landscape screening to the greatest extent possible.

   (f) Maintenance of the landscape buffer and/or screening shall be the responsibility of the property owners' association if part of the common open space or the responsibility of individual property owners with enforcement of such maintenance by the property owners' association.

   (g) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

As part of the preliminary master plan, preliminary landscape plans and/or plates shall be provided to demonstrate the plants and/or other landscape materials to be used throughout the development. Information regarding the
spacing of plants and the installation of a fence/wall shall be provided to demonstrate how any necessary screening will be achieved.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD.

(8) **Off-street parking, off-street loading, and vehicular access.**

(a) Unless otherwise stated in the preliminary master plan, off-street parking and loading spaces shall be provided at each particular phase of development in accordance with the provisions for off-street parking for those particular uses, as contained in the zoning ordinance. As part of the preliminary master plan, the planning commission may recommend and city council may approve off-street parking regulations that do not meet the full extent of the zoning ordinance if justification is provided to substantiate the request. Such justification may include, but is not limited to, information regarding industry standards and/or other municipalities' regulations.

(b) Locations for vehicular access, off-street parking and off-street loading shall be located as to not create conflict with existing and/or proposed vehicular access points. A physical separation such as landscaping and/or fencing shall be provided along the entire street frontage except where access drives are located.

(9) **Signage.** As part of the preliminary master plan submittal, a comprehensive sign plan shall be provided. The comprehensive sign plan shall consist of information such as drawings, photographs, and/or material samples demonstrating the style of proposed signage within the PUD. Throughout the PUD, there shall be a consistent theme with respect to materials, type of signage and illumination.

As part of the submission requirements for site plan approval of all commercial PUDs, drawings and material samples for the proposed signage shall be provided to ensure that the proposed signage complies and is compatible with the overall style and general design theme of the PUD.

(10) **Lighting.** As part of the preliminary master plan, information such as specification sheets, photographs, and/or material samples shall be provided to demonstrate the style of proposed pole and building mounted lighting within the PUD. Throughout the PUD, there shall be a consistent theme with respect to fixture styles and/or materials.

As part of the submission requirements for site plan approval of all commercial PUDs, information relative to the proposed light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. In addition, a photometric plan shall be submitted to staff for review and approval. The
maximum illumination level provided at all property lines shall be 0.5 foot-candles.

(11) Landscaping. As part of the preliminary master plan, general landscape plates shall be provided to demonstrate the landscaping design and proposed buffers within the PUD. Throughout the PUD, there shall be a consistent theme with respect to use of landscape materials and provision of landscaping.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. (as added by Ord. #01-2181, Feb. 2001, amended by Ord. #02-2407, Oct. 2002; and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)
14-901. Lot of record. No lot which is now or may be hereafter built upon as herein required shall be so reduced in area that the yards and open spaces will be smaller than prescribed by chapters 2 through 15 of this title, and no yard, court, or open space provided about or for a building for the purpose of complying with the provisions of chapters 2 through 15 of this title shall be considered as a yard, court, or other open space required for another building. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the provisions of chapter 2 through 15 of this title does not own sufficient land to enable him to conform to the yard or other requirements hereof, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 15 of this title in accordance with section 14-1004(3). Such lot may be used as a building site, provided, however, that the yard and other requirements of the district, in the opinion of the board of zoning appeals, are complied with as closely as is possible. (1968 code, § 11-601, as renumbered by Ord. #00-2152, Oct. 2000)

14-902. Front yards. The front yard requirements of chapters 2 through 15 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet of each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depths on the developed lots. In residential districts, however, the front yards shall in no case be less that ten (10) feet in depth. (1968 code, § 11-602, as renumbered by Ord. #00-2152, Oct. 2000)

14-903. Minimum size. In no case shall the board of zoning appeals permit a residence to be erected on a lot with a width at the building line less than for forty (40) feet and with a total lot area less than three thousand (3,000) square feet. (1968 code, § 11-603, as renumbered by Ord. #00-2152, Oct. 2000)
14-904. **Adjoining substandard lots of record.** Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, or where a sub-standard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located. (1968 code, § 11-604, as renumbered by Ord. #00-2152, Oct. 2000)

14-905. **Group housing project.** In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of chapters 2 through 15 of this title to the individual building units in such housing project, the application of the terms of chapters 2 through 15 of this title may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use, and a standard of open space no lower than that permitted by chapters 2 through 15 of this title in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, a smaller lot area per family than the minimum required in such district, a greater height, or a larger coverage than the requirements of chapters 2 through 15 of this title permitting such a district. (1968 code, § 11-605, as renumbered by Ord. #00-2152, Oct. 2000)

14-906. **Exceptions on height limits.** The height limitations of chapters 2 through 15 of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission line towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, communication towers, masts, and aerials.

However, safety considerations concerning the citizens of the City of Lebanon dictate that any communication tower, mast or aerial, located within any zoning district in Chapter 3 (Provisions Governing Residence Districts) and/or Chapter 6 (Provisions Governing Special Districts) of Title 14 shall be located so that the base of said communication tower, mast, or aerial is at least as far from the nearest property line as the communication tower, mast, or aerial is tall, plus 10%. Within Chapter 3 and Chapter 6 of Title 14, communication towers, masts, and aerials shall in all cases be considered principal structures. (1968 code, § 11-606, as amended by Ord. #97-1705, April 1998, as renumbered by Ord. #00-2152, Oct. 2000)
14-907. **Utility uses.** An un-manned utility use may be placed on a lot smaller than the minimum size required by a zoning district. Any structure placed on such lot shall meet all minimum setbacks and yards required by the zoning district. The plat creating such lot shall bear the following note: "This lot shall be used only for utility purposes and shall not permit installation of a sub-surface sewage disposal system." Due to the location-sensitive nature of public utility uses, and due to the benefit received by the general public from public utility uses, the forty (40) foot public road frontage requirements for building permits may be waived for public utility uses (such as water tanks and transmission towers). (Ord. #97-1601, May 1997, as renumbered by Ord. #00-2152, Oct. 2000)
CHAPTER 10

ENFORCEMENT

SECTION
14-1001. Enforcing officer.
14-1002. Building permit required.
14-1003. Issuance of building permit.
14-1006. Penalties.
14-1007. Remedies.

14-1001. Enforcing officer. The provisions of chapters 2 through 15 in this title shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 15 of this title. (1968 code, § 11-701, as renumbered by Ord. #00-2152, Oct. 2000)

14-1002. Building permit required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a permit for such work. (1968 code, § 11-702, as renumbered by Ord. #00-2152, Oct. 2000)

14-1003. Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of chapters 2 through 15 of this title will be observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of chapters 2 through 15 of this title, and the other ordinances of the City of Lebanon then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state the refusal in writing, with the cause.

(1) The issuance of a permit shall in no case be construed as waiving any provision of chapters 2 through 15 of this title.

(2) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the
project described therein. (1968 code, § 11-703, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1004. Certificate of occupancy.** (1) **Required.** No land, or building, or part thereof hereafter erected or altered in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 15 in this title.

(2) **Approval process.** (a) Prior to issuance of the certificate of Occupancy, each approving authority (Planning Commission representative, City Engineer, Fire Marshall, Cross-Connection and Pretreatment officials) must sign off stating that construction is completed in compliance with the approved plans. This sign off shall be in writing to the Building Inspector.

(b) If all construction improvements are not complete prior to the scheduled opening or use of the facility, a Temporary certificate of Occupancy for up to six months may be issued subject to the posting of an appropriate bond to cover the cost of completing all proposed improvements.

(c) The appropriate approving authority shall be responsible for reviewing the request and determining that the health, safety and welfare of the general public will not be at risk until these improvements are completed.

(d) The bond shall be posted with the City Engineering Department. Amount of bond shall be at the discretion of the City Engineer.

(3) **Issuance.** Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of chapters 2 through 15 of this title; or, if such certificate is refused, to state the refusal in writing with the cause. (1968 code, § 11-704, as amended by ord. 91-907, § 1, and renumbered by Ord. #00-2152, Oct. 2000)

**14-1005. Records.** A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1968 code, § 11-705, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1006. Penalties.** Any person violating any provisions of chapters 2 through 15 of this title shall be guilty of a misdemeanor, and upon conviction shall be fined with the maximum fine allowed by law. Any real property found to be in violation of the requirements stated in this chapter may also be subject to an order of closure, and/or cease and desist, by chancery court action seeking
injunctive relief to enforce the provisions of this law. Each day such violation shall continue shall constitute a separate offense. Payment of fine shall not constitute compliance. (1968 code, § 11-706, as amended by Ord. #98-1780, Aug. 1998, and renumbered by Ord. #00-2152, Oct. 2000)

14-1007. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 15 of this title, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land. (1968 code, § 11-707, as renumbered by Ord. #00-2152, Oct. 2000)
CHAPTER 11

BOARD OF ZONING APPEALS

SECTION
14-1101. Creation and appointment.
14-1102. Procedure.
14-1103. Appeals; how taken.
14-1105. General provisions for review of uses permissible on appeal.

14-1101. Creation and appointment. A board of zoning appeals is hereby established in accordance with sections 13-7-205, 13-7-206, and 13-7-207, of the Tennessee Code Annotated. The board of zoning appeals shall consist of five (5) members, not more than two of whom may be members of the Lebanon Municipal Planning Commission. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the city council. The term of membership shall be five (5) years except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Vacancies for any unexpired term shall be filled by appointed by the chief executive officer and confirmation by the city council. The terms of office of the members of the board of zoning appeals shall expire on the first meeting night of the City Council for Lebanon, Tennessee, in January. (1968 code, § 11-801, as renumbered by Ord. #00-2152, Oct. 2000)

14-1102. 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. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep a record of applications and action thereon, which shall be a public record. (1968 code, § 11-802, as renumbered by Ord. #00-2152, Oct. 2000)

14-1103. Appeals; how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of chapters 2 through 15 of this title. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof, attached to which shall be a copy of the deed of the property involved.

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, give public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable
time. At the hearing any person or party may appear in person or by agent or by attorney.

The action of the board is final and no appeal may be brought back before the board until six (6) months has expired and then only if there has been significant change in the conditions on which this appeal is being sought. (1968 code, § 11-803, as amended by ord. 91-868, § 1, and renumbered by Ord. #00-2152, Oct. 2000)

14-1104. Powers. The board of zoning appeals shall have the following powers and duties:

(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 chapters 2 through 15 of this title; and to interpret the zoning map as provided in section 14-219(3).

(2) **Special exceptions.** To hear and decide applications for special exceptions as specified in chapters 2 through 15 of this title and to decide on any special questions upon which the board of zoning appeals is specifically authorized to pass.

(3) **Variances.** To hear and decide applications for variance from the terms of chapters 2 through 15 of this title; to grant a variance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of the provisions of chapters 2 through 15 of this title was a lot of record, or where by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property and strict application of the provisions of chapters 2 through 15 of this title would result in exceptional practical difficulties to or exceptional and undue hardship on the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of chapters 2 through 15 of this title.

   (a) In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of chapters 2 through 15 of this title.

   (b) Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (1968 code, § 11-804, as amended by Ord. #98-1773, June 1998, and renumbered by Ord. #00-2152, Oct. 2000)

14-1105. General provisions for review of uses permissible on appeal. The board of zoning appeals shall, during consideration of an
application for any use on appeal permitted by the Lebanon Municipal Code, use the herein listed criteria as a guide for determining whether such use on appeal is appropriate for the parcel upon which it is sought. In considering any application for a use on appeal, the boarding of zoning appeals shall give consideration to the health, safety, community standards, comfort and general welfare of the inhabitants of the City of Lebanon, including but not limited to the following factors:

1. Conforms to all other requirements of the district in which it is to be located.
2. Is designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.
3. Encouragement of improvements and land uses in keeping with overall planning.
4. Provision for the orderly and proper renewal, development, and growth.
5. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses will not create unusual hazards or result in adverse impacts.
6. The use shall be served by adequate public facilities and services and will not adversely affect public services to the surrounding area or for which conditions can be established to mitigate adverse impacts of such facilities.
7. Board may require appropriate screening and buffering to protect adjacent uses and owners only at the time of consideration of the special use.
8. Prevention of traffic congestion and promotion of traffic safety and the orderly parking of motor vehicles. In order to promote traffic safety, a traffic study may be required by the board of zoning appeals.
9. The use on appeal will be reviewed on how its affected and how it effects the integration with the zoning district it is to be located within only at the time of consideration of the special use. (as added by Ord. #06-3059, Feb. 2007)
CHAPTER 12

AMENDMENT AND LEGAL STATUS PROVISIONS

SECTION
14-1202. Review by the planning commission.
14-1203. Grounds for amendment.
14-1205. Fees.
14-1206. Conflict with other ordinances.
14-1207. Severability.

14-1201. Introduction of amendments. The chief executive officer and the city council of Lebanon, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of chapters 2-15 in this title. Any member of the city council may introduce such amendment or any official, board, or any other person or persons may present a petition to the chief executive and city council of Lebanon, Tennessee requesting an amendment or amendments to chapters 2 through 15 of this title. (1968 code, § 11-901, as renumbered by Ord. #00-2152, Oct. 2000)

14-1202. Review by the planning commission. No amendment shall become effective unless it is first submitted and recommended for approval by the Lebanon Regional Planning Commission. The application for an amendment shall be filed by the deadline for the meeting at which the requested rezoning will be considered. A calendar of deadlines and meeting dates is published, from time to time, by the planning division. Failure of the Lebanon Regional Planning Commission to either recommend approval or disapproval of the amendment, within ninety (90) days of its submission, shall be deemed a recommendation of approval. If the planning commission recommends disapproval of the amendment, it shall require the favorable vote of a majority of the entire membership of the city council to become effective.

No request for amendment recommended for disapproval by the planning commission and/or disapproved by the city council shall be resubmitted to the planning commission until one hundred (100) days has passed from when the planning commission recommended denial or city council denied the rezoning, whichever is later. A request for amendment resubmitted after one hundred (100) days but before one (1) year shall have its application fee doubled. (1968 code, § 11-902, as amended by Ord. #88-602, § 2; and Ord. #90-790, § 4, modified, and as renumbered by Ord. #00-2152, Oct. 2000; and amended by Ord. #04-2686, Jan. 2005; and Ord. #05-2726, May 2005)
14-1203. **Grounds for amendment.** It is in the best interest of the city that residential areas be protected from encroachment by non-residential areas. Therefore, proposed rezoning of existing residentially zoned property may be considered when the proposed zoning classification will not unduly impact or harm the surrounding residentially zoned property. Non-residential zoning districts should be limited to the major thoroughfares, collector and arterial streets. Business districts that serve the local population may be located in proximity to residential areas so long as negative impacts on surrounding residential properties are minimized.

The planning commission, in its review and recommendation to city council, and city council in their deliberations may make specific findings with regard to the following grounds for amendment:

1. The amendment is in agreement with the land use plan, either a city-wide plan or one developed for a specific area.
2. If not in conformance with the land use plan, the proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.
3. The proposed amendment is consistent with the intent and purpose of this section.
4. It has been determined that there will not be a material adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good and welfare.
5. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
6. It has been determined that public infrastructure are adequate to serve the full range of permitted and conditional uses of the proposed zoning classification. (as added by Ord. #04-2686, Jan. 2005)

14-1204. **Notice of public hearing.** Upon introduction of an amendment to chapters 2-15 of this title, or upon receipt of a petition to amend chapters 2 through 15 of this title, the chief executive and the city council of Lebanon shall publish a notice of such request for an amendment, together with the notice of time set for the hearing by the chief executive and the city council for Lebanon on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Lebanon, Tennessee. Said hearing by the chief executive and the city council for Lebanon shall not take place until fifteen (15) days after the publication of such notice. (1968 code, § 11-903, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

14-1205. **Fees.** A fee set by the city council shall be paid at the time of filing a petition to amend the zoning ordinance, said fee to be used by the city to defray costs resulting from such petition and any subsequent amendment of
the zoning ordinance. (1968 code, § 11-904, as amended by ord. 88-602, § 3, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

14-1206. **Conflict with other ordinances.** In case of conflict between chapters 2-15 in this title or any part thereof, and the whole or part of any existing or future ordinance of the City of Lebanon, the most restrictive shall in all cases apply. (1968 code, § 11-905, modified, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

14-1207. **Severability.** If any of the provisions of this section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or application of the section which can be given effect without the invalid provision or application, and to this end, the provisions of the section are declared to be severable. (as added by Ord. #05-2697, March 2005)
CHAPTER 13

AIRPORT ZONING ORDINANCE TO LIMIT HEIGHT OF OBJECTS AROUND THE LEBANON MUNICIPAL AIRPORT

SECTION
14-1301. Short title. This chapter shall be known and may be cited as the "Airport Zoning Ordinance of the Lebanon Municipal Airport." (1968 code, § 11-1001, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1302. Definitions. As used in this chapter unless the context otherwise requires: (1) "Airport." Lebanon Municipal Airport, Lebanon, Tennessee.

(2) "Airport commission." Lebanon Airport Commission, Lebanon, Tennessee.

(3) "Airport elevation." 576 feet above mean sea level.

(4) "Approach surface." A surface longitudinally centered on the extended runway centerline, 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 § 14-1305 of the chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone. (See figure 1.)

(5) "Board of zoning appeals." A board consisting of five members appointed by the chief executive officer of the city and confirmed by a majority
vote of the city council as provided in chapter 11 of title 14 of the municipal code (zoning ordinance).

(6) "Conical zone." See § 14-1305.

(7) "Conical surface." A surface zone extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet (See figure 1.)

(8) "Hazard to air navigation." An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(9) "Height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(10) "Horizontal zone." See § 14-1305.

(11) "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. (See figure 1.)

(12) "Larger than utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand (12,500) pounds maximum gross weight and jet powered aircraft.

(13) "Nonconforming use." Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment hereto, as of the effective date of such regulations.

(14) "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 non-precision instrument approach procedure has been approved or planned.

(15) "Obstruction." Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § 14-1305.

(16) "Person." Any individual, firm, co-partnership, corporation, company, association, joint stock association, or government entity, and includes any trustee, receiver, assignee, or other similar representative thereof.

(17) "Primary surface." A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in § 14-1304 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(18) "Runway." A defined area on an airport prepared for landing and take-off of aircraft along its length.

(19) "Runway larger than utility with visual approach zone." See § 14-1304.
(20) "Runway larger than utility with a visibility minimum greater than \(\frac{3}{4}\) mile nonprecision instrument approach zone." See § 14-1304.

(21) "Structure." Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, cranes, and earth formation.

(22) "Transitional zones." See § 14-1304.

(23) "Transitional surface." A surface extending outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary and approach surfaces to where they intersect the horizontal and conical 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 centerline. (See figure 1.)

(24) "Tree." Any object of natural growth.

(25) "Utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(26) "Visual runway." A runway intended solely for the operation of aircraft using visual approach procedures. (1968 code, § 11-1002, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1303. Airport zoning map. In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the airport airspace plan, with a revision date of February 13, 1997, of the Lebanon Municipal Airport, Lebanon, Tennessee, of record in the office of the commissioner of finance and revenue, is hereby incorporated into this chapter and made a part hereof. (1) The established elevation of the airport is 576 MSL.

(2) The airport reference point is established at a location described as follows: exact center of the runway. (1968 code, § 11-1003, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1304. Airport zones. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on airport zoning map, which is incorporated by reference and made a part hereof. 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 zones are hereby established and defined as follows and shown in figure 1: (1) Conical zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150)
feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

(2) Horizontal zone. Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.

(3) Transitional zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.

(4) Runway larger than utility with visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(5) Runway larger than utility with a visibility minimum greater than ¾ mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

As illustrated in figure 1, the primary surface extends five hundred 500 feet, in a rectangle, beyond the edge of the runway. (1968 code, § 11-1004, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1305. Height limits. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, height limits shown on the airport zoning map are hereby established for each of the zones in question. (1) Runway larger than utility visual approach zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

(2) Runway larger than utility with a visibility minimum greater than ¾ mile nonprecision instrument approach zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
Nothing in this chapter 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. (1968 code, § 11-1005, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1306. Use restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone 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 endanger or interfere with the landing, takeoff, or maneuvering of aircraft. (1968 code, § 11-1006, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

14-1307. Site lighting. Uncontrolled lighting may cause glare that can impact visibility of pilots. Lighting at and near airports should be relatively dim so as to not harm the pilot’s night vision and cause confusion. In general, lights should be shielded, proper wattage should be used based on the task and unneeded lights should be turned off.

On every site plan, the location(s) of proposed light poles and the type of illuminating devices shall be provided. Light poles shall not be located within any easements, including public utility and drainage easements (PUDE). A photometric plan of the entire property shall be provided for review by engineering and planning staff. Required plans, descriptions and data shall be sufficiently complete to enable the engineering and planning staff to readily determine compliance with these requirements. Requests to change light fixtures or illumination levels shall be submitted to the engineering and planning staff, together with adequate information to assure compliance with these requirements and applicable codes, prior to the substitution being made.

1. Light from a fixture shall be directed down to greater than fifteen (15) degrees below the horizontal plane.
2. The maximum level of foot-candles at all property lines shall be no greater than 0.5.
3. All outdoor electrically powered illuminating devices shall be installed in conformance with all applicable provisions of these regulations, the building code, the electrical code and the sign ordinance, with appropriate permits and inspections being obtained.
4. The use of searchlights, laser source lights or any similar high intensity light for outdoor advertising is prohibited.
5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within should consist of a dark background with light lettering, to minimize detrimental effects.
If, upon installation of proposed site lighting, such lighting is found to interfere with airport operations, the site lighting shall be adjusted to the satisfaction of the airport commission at the developer's/builder's expense. (as added by Ord. #05-2697, March 2005)

14-1308. Nonconforming uses. (1) Regulations not retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date hereof, or otherwise interfere with the continuance of a nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of the provisions in this chapter, and is diligently prosecuted and completed within two years thereof.

(2) 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 airport commission 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 City of Lebanon. (1968 code, § 11-1007, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1309. Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this chapter, may apply to the board of zoning appeals for a variance therefrom. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. No application for variance to the requirements of this chapter may be considered by the board of zoning appeals unless a copy of the application has been furnished to the airport commission for advice as to the aeronautical effects of the variance. The airport commission shall respond to the application within a reasonable time period, otherwise, the board of zoning appeals may act on its own to grant or deny said application. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter. (1968 code, § 11-1008, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)
14-1310. **Permits.** (1) **Future uses.** Except as specifically provided in (a), (b), and (c) hereunder, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore has been applied for and granted. Each such 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 applied for shall be granted. No permit for use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with § 14-1309.

(a) 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 that seventy-five 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 limit prescribed for such approach zones.

(b) In areas lying within the limits of the approach zones but at a horizontal distance of not less that four thousand two hundred (4,200) feet 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 approach zones.

(c) In the 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 structure, or growth of any tree in excess of any of the height limits established by the ordinance except as set forth in § 14-1305.

(2) **Existing uses.** Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of the provisions in this chapter or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of an existing use, structure, or tree shall be granted.
(3) Nonconforming uses abandoned or destroyed. Whenever the airport commission determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (1986 code, § 11-1010, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1311. Hazard marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner, at their own expense, to install, operate, and maintain the necessary markings and lights. (1968 code, § 11-1010, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1312. Appeals. (1) Any person aggrieved, or any taxpayer affected, by any decision of the building inspector made in the administration of this chapter, or the airport commission, if of the opinion that a decision of the building inspector is an improper application of this chapter, may appeal to the board of zoning appeals.

(2) All appeals must be taken within thirty days as provided by the rules of the Board of zoning appeals, by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof.

(3) An appeal shall stay all proceeding in furtherance of the action appealed from unless the airport commission certifies to the board of zoning appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the airport commission cause imminent peril to life or property. In such case, a proceeding shall not be stayed except by order of the board of zoning appeals on notice to the airport commission and on due cause shown.

(4) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(5) The board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

(6) The board shall make findings of fact supporting their conclusions.
(7) The concurring vote of a majority of the members of the board of zoning appeals shall be sufficient to reverse any order, requirement, decision, or determination of the building inspector, or to decide in favor of the applicant on any matter. (1968 code, § 11-1011, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1313. Administrative agency. The building inspector is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the Building Inspector shall include that of hearing and deciding all applications for permits under § 14-1310, but the building inspector shall not have or exercise any of the powers or duties herein delegated to the board of zoning appeals. (1968 code, § 11-1012, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1314. Penalties. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine or not more than five hundred dollars ($500) or imprisonment for not more than one hundred eighty (180) days or both; and each day a violation continues to exist shall constitute a separate offense. (1968 code, § 11-1014, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

14-1315. Amendment. (1) Procedure. Such regulations, restrictions, and boundaries as are provided for in this chapter may be amended, supplemented, changed, modified, or repealed. All changes and/or amendments to this chapter shall only be made in compliance with the Tennessee Aeronautical Statutes and after a public hearing.

(2) Recommendation from the planning and airport commissions. No amendment shall become effective unless it is first submitted to and recommended for approval by the planning commission and airport commission, and then submitted to and approved by the Tennessee Bureau of Aeronautics and if disapproved, shall receive the favorable vote of a majority of the entire membership of the city council. (1968 code, § 11-1015, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)
CHAPTER 14

MINIMUM STANDARDS FOR SITE DEVELOPMENT

SECTION
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14-1401. Purpose. The purpose of this chapter is to provide maximum flexibility in design and to ensure a minimum standard of site development for apartment complexes, mobile home park developments and travel trailer courts in the City of Lebanon, Tennessee. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1402. Definitions. The following definitions shall be applicable for the purposes of this chapter:
(1) "Mobile home space." A well defined area of sufficient size to accommodate one mobile home within a mobile home development.
(2) "Mobile home stand." A permanent support or foundation of sufficient area to accommodate a mobile home and its appurtenances, such as canopies, patios and porches.
(3) "Roadway." A vehicular circulation route within an apartment/mobile home park/travel trailer court development.
(4) "Minor roadway." A roadway of less than five hundred (500) feet in length and serving twenty-five (25) mobile home spaces/apartments or less if the road is one-way, fifty (50) mobile home spaces/apartments or less if two-way.
(5) "Collector roadway." A roadway exceeding five hundred (500) feet in length, or serving more than twenty-five (25) mobile home spaces/apartments if the road is one-way, fifty (50) mobile home spaces/apartments if two-way.
(6) "Site." A parcel of raw land comprising the total land area proposed for development as an apartment complex, a mobile home park development or a travel trailer court.
(7) "Travel trailer space." A well defined area of sufficient size to accommodate one travel trailer within a travel trailer court. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)
14-1403. **Building permit required.** Construction, addition to, or extension of an apartment complex, mobile home park development or travel trailer court development may not commence until a building permit has been obtained. A building permit may not be issued until the site plan has been approved by the Lebanon Municipal/Regional Planning Commission in accordance with this chapter. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1404. **Application for building permit--information required.** The following information shall be reflected on the application for a building permit:

(1) Name and address of the applicant.
(2) Legal description of the site.
(3) Site plan of the proposed development, prepared in accordance with this chapter.
(4) Proof of ownership or legal land option. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1405. **Application for building permit--procedure.** The application for a building permit (site plan) shall first be submitted to the Lebanon Municipal/Regional Planning Commission for its review and recommendations. Enforcement and appeal procedures shall be the same as those set forth in the Lebanon Municipal Zoning Ordinance. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1406. **Apartment complexes.** (1) **Apartment complex standards.** The following property development standards shall apply for all apartment complexes:

(a) Fencing shall be setback 25 feet from public right-of-way.
(b) The development shall be subject to the density provisions of the R-2 district.
(c) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.
(d) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be 50 feet.
(e) The boundary of a development shall be at least 200 feet from any permanent building located outside the development, unless separated there from by screening as specified in this code.
(f) Each development shall have its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement. Where the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.
(g) All required yards shall be landscaped and maintained.
(h) No building or structure erected or placed shall have a height greater than 5 stories or 65 feet.

(i) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than 6 feet in height.

(j) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(k) Roadways shall be designed to provide convenient circulation and access to apartments and to facilities for common use by occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(l) Entrances and exits to the development shall be designed for safe and convenient movement of traffic into and out of the development. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(m) The minimum distance between access points along street frontages shall be as follows:
   Between a one-way access point and another access point, centerline to centerline .......................... 200 feet.
   Between two-way access points, centerline to centerline ..................................... 300 feet.

(n) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(o) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) **Apartment complex development.** Each development shall be of sufficient size that the following areas shall be provided:

   (a) There shall be a front yard setback of 10 feet from all internal roads within the development.

   (b) For one and two story buildings, there shall be a side yard setback of 15 feet for each side so as to keep apartment buildings a minimum of 30 feet apart.

   (c) For buildings greater than two stories in height, there shall be a side yard setback of 15 feet plus one additional foot for every foot in height over two stories or twenty-five feet.
(d) Within the development there shall be a rear yard setback of ten (10) feet. Where the rear yard is also the development perimeter there shall be a rear yard of twenty-five (25) feet. Where the development perimeter adjoins residential property there shall be a rear yard of fifty (50) feet. No structures, except screening and fencing, shall be placed within this required setback.

(e) There shall be at least two (2) paved, off-street parking spaces for each apartment. The dimensions of parking spaces shall be nine feet by twenty feet (9' x 20').

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;

(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) Paved walkways not less than thirty (30) inches wide shall be provided from the dwelling units to service buildings.

(c) Each development shall be provided with a connection to a public sanitary sewer line and a public water line of sufficient size and capacity to meet all current City of Lebanon Code requirements.

(d) There shall be provided open space within the development at a minimum of ten percent of the total land area.

(e) The minimum right-of-way for internal streets shall be fifty (50) feet.

(f) Road grades shall not exceed ten (10) percent.

(g) All street intersections shall be at right angles.

(h) All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street.

(i) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.

(j) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(k) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All roadways are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.
(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(f) The development shall be served by a contracted refuse collection service and a centralized postal drop-off/pickup station.

(g) Parking for the clubhouse/office shall be a minimum of two parking spaces for every twenty apartment units.

(5) Additional provision. Service buildings housing laundry, sanitation, or other facilities for use by development occupants shall be permanent structures complying with all applicable codes. Service buildings shall be well lighted at all times and shall be adequately ventilated, heated and maintained. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1407. Mobile home park developments. (1) Mobile home development standards. The following property development standards shall apply for all mobile home developments:

(a) Fencing shall be setback 25 feet from public right-of-way.

(b) The development shall be subject to the density provisions of the R-2 district.

(c) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.

(d) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be 50 feet.

(e) Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home development.

(f) The boundary of a development shall be at least 200 feet from any permanent building located outside the development, unless separated there from by screening as specified in this code.

(g) Each development shall have at its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement. Where the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.
(h) All required yards shall be landscaped and maintained.

(i) No building structure erected or placed shall have a height greater than 5 stories or 65 feet.

(j) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than 6 feet in height.

(k) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(l) Roadways shall be designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(m) Entrances and exits to the development shall be designed for safe and convenient movement of traffic into and out of the development. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(n) The minimum distance between access points along street frontages shall be as follows:

- Between a one-way access point and another access point, centerline to centerline ...................... 200 feet
- Between two-way access points, centerline to centerline . . 300 feet.

(o) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(p) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) Mobile home space development. Each mobile home space shall be of sufficient size that the following areas shall be provided:

(a) There shall be no less than four thousand (4000) square feet of area for each mobile home space provided on the site.

(b) Each mobile home space shall be at least forty (40) feet wide for single-wide mobile homes and at least fifty (50) feet wide for double-wide mobile homes.

(c) There shall be a front yard setback of ten (10) feet from all internal roads within the development.
(d) There shall be a side yard setback of ten (10) feet for each side so as to keep mobile homes a minimum of twenty (20) feet apart.

(e) Within the development there shall be a rear yard setback of ten (10) feet. Where the rear yard is also the development perimeter there shall be a rear yard of twenty-five (25) feet. Where the development perimeter adjoins residential property there shall be a rear yard of fifty (50) feet. No structures, except screening and fencing, shall be placed within this required setback.

(f) There shall be at least two (2) paved, off-street parking spaces for each mobile home space located on the same site as the mobile home served. Parking spaces may be located in the front or side yard of said space and shall have minimum dimensions of nine (9) feet by twenty (20) feet.

(g) A paved driveway shall be required to provide access from the street to the parking spaces.

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;
(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) All mobile home foundations and supports shall meet current City of Lebanon Building Codes.

(c) Paved walkways not less than thirty (30) inches wide shall be provided from the dwelling units to service buildings.

(d) Each development shall be provided with a connection to a public sanitary sewer line and a public water line of sufficient size and capacity to meet all current City of Lebanon code requirements.

(e) There shall be provided open space within the development at a minimum of ten percent of the total land area.

(f) The minimum right-of-way for internal streets shall be fifty (50) feet.

(g) Road grades shall not exceed ten (10) percent.

(h) All street intersections shall be at right angles.

(i) All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street.

(j) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.
(k) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(l) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All roadways are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.

(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(f) The development shall be served by a contracted refuse collection service and a centralized postal drop-off/pickup station.

(g) Parking for the clubhouse/office shall be a minimum of two parking spaces for every twenty mobile home spaces.

(5) Additional provisions. (a) Mobile homes on the lot of an authorized and licensed mobile home dealer exhibiting them for sale are exempt from this provision.

(b) Service buildings housing laundry, sanitation, or other facilities for use by development occupants shall be permanent structures complying with all applicable codes. Service buildings shall be well lighted at all times and shall be adequately ventilated, heated and maintained.

(c) There shall be at least twenty-five (25) feet between permanent buildings on the mobile home development site and any mobile home space. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1408. Travel trailer court developments. (1) Travel trailer court development standards. The following property development standards shall apply for all travel trailer court developments:

(a) The development shall be subject to the density provisions of the R-2 district.
(b) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.

(c) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be fifty (50) feet.

(d) Permanent residential structure shall not be located within a site to be developed as a travel trailer court.

(e) The boundary of a travel trailer court shall be at least two hundred (200) feet from any permanent building located outside the court, unless separated therefrom by screening as specified in this code.

(f) Each development shall have at its perimeter a minimum yard of twenty-five (25) feet extending for the full width of the site devoted to said use. When the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.

(g) All required yards shall be landscaped and maintained.

(h) No building or structure erected or placed shall have a height greater than one and one-half (1.5) stories or twenty-five (25) feet.

(i) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than six (6) feet in height.

(j) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development and may be lighted by indirect lighting only. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(k) Roadways shall be designed to provide convenient circulation and access to travel trailer spaces and to facilities for common use by court occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(l) Entrances and exits to the court shall be designed for safe and convenient movement of traffic into and out of the court. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(m) The minimum distance between access points along street frontage shall be as follows:
   Between a one-way access point and another access point, centerline to centerline .......................... 200 feet.
   Between two-way access points, centerline to centerline . . . .300 feet
(n) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(o) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) Travel trailer court space development. Each travel trailer space shall be of sufficient size that the following areas shall be provided:

(a) Minimum required width of each space shall be fifteen (15) feet.

(b) Minimum required depth of each space shall be fifty (50) feet so as to provide for the parking of the car so that disconnection of the trailer from the car is not necessary.

(c) Minimum width of side yards required for each space shall be five (5) feet.

(d) Travel trailer spaces shall not be located nearer than twenty (20) feet to accessory uses and structures or other park facilities.

(e) One (1) parking space shall be provided for court occupants within each travel trailer space. However, additional parking spaces for court employees, delivery and service vehicles, and occasional two-car occupants shall be provided at the rate of at least two (2) 9x20 foot car spaces for each five (5) travel trailer spaces up to twenty (20). No automobile shall be parked on other than a paved surface.

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;

(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) There shall be provided open space within the development of a minimum of ten (10) percent of the total land area.

(c) The minimum right-of-way for internal streets shall be forth (40) feet.

(d) Road grades shall not exceed ten (10) percent.

(e) All street intersections shall be at right angles.

(f) All access points to public streets shall be by internal streets.

(g) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the
above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.

(h) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(i) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All internal streets are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.

(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of a six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(5) Additional provisions. (a) Spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer court not more than twenty-one (21) days in a thirty (30) day period.

(b) Travel trailer spaces shall be adequately lighted as outlined in general requirements.

(c) A management and registration office shall be provided in a permanent building reasonably proximate to the court entrance, together with adequate management storage space.

(d) Provision shall be made for an outdoor cooking, eating, and recreation area, including at least one outdoor barbecue and one picnic table for each five (5) trailer spaces or fraction thereof.

(e) Coin-operated laundry facilities, refreshment stands, or other uses and structures customarily incidental to the operation of a travel trailer court are permitted provided that:

(i) Such establishments do not occupy more than ten percent (10%) of the court area,

(ii) Such establishments are restricted in their use to occupants of the court, and

(iii) Such establishments present no visible evidence of their commercial character which would attract customers other
than occupants of the court. Service buildings housing laundry, sanitation, or other facilities for use by court occupants shall be permanent structures complying with all applicable codes.

(f) A self-service laundry shall be provided, containing at least one coin-operated washer and one coin-operated dryer for every ten (10) travel trailer spaces, or fraction thereof, unless such facilities are available commercially within one-half mile of the court.

(g) Toilet and bathing facilities shall be provided consisting of at least one lavatory, one water closet, and one shower stall for each sex for each five (5) travel trailer spaces. These facilities shall be distinctly marked; maintained in a clean, safe, and sanitary condition in good working order; housed in a permanent building; and appropriately heated and ventilated. Such facilities shall be for the exclusive use of occupants of the court and shall be located no farther than two hundred (200) feet from the spaces served.

(h) If spaces are to be rented to travel trailers with waste-holding tanks, at least one sanitary station shall be provided in a well-screened location, consisting of a drainage basin constructed of impervious material, containing a disposal hatch with self-closing cover, and related washing facilities including at least one slop sink or slop water closet. Each disposal hatch shall be connected to the court sewer system. Such sanitary station shall be situated no closer than fifty (50) feet to any trailer space or eating area.

(i) Each travel trailer space shall be provided with the following: A tenant refuse container of adequate size, unless groups of spaces are provided with such containers located no farther than two hundred (200) feet from each space served; and a weatherproof electrical connection supplying a minimum of one hundred and ten (110) volts. A water faucet and drain, connected to the court sewer system, shall be provided for each ten (10) travel trailer spaces. Such faucet and drain shall be situated in close proximity to the spaces served. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

14-1409. Review procedure. (1) Preliminary review. Copies of the preliminary development plan, drawn to a scale of not less than one (1) inch=one hundred (100) feet, containing the information required by this regulation, shall be submitted to the Wilson County/Lebanon Planning Office for preliminary review. The fee for submittal shall be a base fee plus a per-space fee, using the base fee and per-lot fee required for submittal of a preliminary subdivision plat. Upon approval by the Lebanon Planning Commission, 2 copies of the revised preliminary development plan incorporating any and all conditions of approval shall be submitted to the Wilson County/Lebanon Planning Office, 2 copies to the City of Lebanon Engineering Department, and 2 copies to the City of
Lebanon Fire Department. After approval, the preliminary development plan is valid for a period of twelve (12) months from the date of such approval.

(2) Final review. Copies of the final development plan, drawn to a scale of not less than one (1) inch=one hundred (100) feet, containing the information required by this regulation, shall be submitted to the Wilson County/Lebanon Planning Office for final review. The fee for submittal shall be a base fee plus a per-space fee, using the base fee and per-lot fee required for submittal of a final subdivision plat. Upon approval by the Lebanon Planning Commission, 2 copies of the revised final development plan incorporating all conditions of approval shall be submitted to the Wilson County/Lebanon Planning Office, 2 copies to the City of Lebanon Engineering Department, and 2 copies to the City of Lebanon Fire Department. After approval, the final development plan is valid for a period of 24 months, after which it becomes void unless a building permit has been issued as per the provisions outlined in this chapter.

(3) Plans and schedules required--preliminary. All preliminary site plan requirements as specified in the City of Lebanon Zoning Ordinance, as well as the following, shall be shown on the preliminary development plan.

(a) General location sketch map.
(b) Boundaries of the site.
(c) Tax map and parcel number.
(d) Deed book and page number.
(e) Total acreage.
(f) Name and address of the applicant(s) and property owner(s).
(g) Proposed use of all buildings shown on the plan.
(h) Location of all existing structures on the site to be removed.
(i) Location, size, and proposed use of all open area.
(j) Spaces/units numbered in consecutive order.
(k) Location and dimensions of proposed internal streets, structures, mobile home spaces/units, apartment buildings, off-street parking spaces.
(l) Location of all proposed utilities, including fire hydrants, noted as proposed.
(m) Dimensions and points of access to public streets.
(n) Location and size of existing water and sewer lines and fire hydrants, noted as existing.
(o) Location and size of any and all easements.
(p) Topographic contours at a minimum of two (2) foot intervals and the location and size of any sink holes/depressions.
(q) Location(s) of existing and/or proposed drainage ways and improvements.
(r) Erosion and sedimentation controls noted and illustrated.
(s) Location and all walls and fences.
(t) All NOTES as required.
(u) Such other data as required by the planning commission to determine if the provisions of these regulations are being complied with.

(4) Plans and schedules required--final. All final site plan requirements as specified in the City of Lebanon Zoning Ordinance, as well as the following, shall be shown on the final development plan.

(a) General location sketch map.
(b) Boundaries of the site.
(c) Tax map and parcel number.
(d) Deed book and page number.
(e) Total acreage.
(f) Name and address of the applicant(s) and property owner(s).
(g) Proposed use of all buildings shown on the plan.
(h) Location of all existing structures on the site to be removed.
(i) Location, size, and proposed use of all open space.
(j) Spaces/units numbered in consecutive order.
(k) Location and dimensions of proposed internal streets, structures, mobile home spaces/units, apartment buildings, off-street parking spaces, refuse dumpster pad, postal drop-off/pickup.
(l) Location of all proposed utilities, including fire hydrants, noted as proposed.
(m) Dimensions and points of access to public streets.
(n) Location and size of existing water and sewer lines and fire hydrants, noted as existing.
(o) Location and size of any and all easements.
(p) Location and description of all landscaping to be provided.
(q) Grading and drainage plan approved by the City of Lebanon Engineering Department.
(r) Erosion and sedimentation controls noted and illustrated.
(s) Location of all walls and fences, and the indication of their height and the materials of their construction.
(t) Plans of all buildings, improvements, and facilities constructed or to be constructed within this section of the development.
(u) Location and description of all lighting standards to be provided.
(v) All setback and yard lines required by this regulation.
(w) All NOTES as required.
(x) Such other data as may be required by the planning commission to determine if the provisions of these regulations are being complied with.

(5) Permit approval--certifications required. The following documentation shall be required prior to release of certificate of occupancy.

(a) Certification from a licensed engineer that all drainage, streets and other required paved areas have been installed or letter or
credit from a Tennessee bank that all streets and other required paved
and/or landscaped areas will be installed to the required specifications.

(b) Certification from a licensed engineer or the utility company
providing service to the development that all utility improvements have
been installed or letter of credit from a Tennessee bank that all utility
improvements will be installed to the required specifications.

(c) Certificate of Approval of Drainage and Utilities. The
utilities and drainage shown on this site plan have been reviewed and
approved by the Lebanon Department of Public Works.
By:___________________________ Date:___________

Lebanon Public Works

(d) Certificate of Approval for Issuance of Building Permit. This
site plan was approved by the Lebanon Planning Commission on
_______, 19_____. All corrections and conditions required by the
planning commission have been incorporated onto the site plan. This site
plan is approved for issuance of a building permit.
By:___________________________ Date:___________, 19______.

City Planner

NOTE: This site plan is void unless building permit is applied for by
________________, 19______.

(e) Certificate of Approval of Fire Code. This site plan meets
the requirements of the City of Lebanon Fire Codes.
By:___________________________ Date:___________, 19______

Building Official

(6) Standard notes. The following notes must appear on the face of the
preliminary and final development plans.

(a) "Drainage easements outside dedicated ROW's are not the
responsibility of the City of Lebanon."

(b) "Road grades shall not exceed ten (10) percent."

(c) If a natural drainage channel, sink hole or depression exists
on the property, the following note must appear:

"No cut, fill, or construction within twenty-five (25) feet of top of
stream bank, sinkhole, or depression."

(d) If a drainage way appears as a blue line on a USGS 7½
minute quadrangle map, the stream must be identified as such and the
following note must appear:

"No alteration of this (these) stream(s) shown will occur prior to
written approval being granted by the appropriate authorities."

(e) "This property is not (is) in an area designated as a special
flood area, as shown on Community Map/Panel Number _____/_____,
effective date _____.___."

(f) "This development is to be served by public sanitary sewer."
(Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)
CHAPTER 15

PLANNING AND ZONING FEES

SECTION
14-1501. Subdivision plat application fee.
14-1502. Site plan application fee.
14-1503. Zoning, rezoning and planned unit development application fee.
14-1504. Appeal application fee.
14-1505. Additional fees.
14-1506. Building inspector authorized to require certain proof and verification.

14-1501. **Subdivision plat application fee.** All applications for consideration by the planning commission of a preliminary or final subdivision plat shall include an application fee. The application fee shall be calculated as follows:

$25.00 base fee plus $25.00 per lot after the first lot. A separate fee shall be collected for each preliminary and/or final subdivision plat submittal.

Example -

14 lot final subdivision plat
$25.00 + ($25.00 x 13) = $350.00

(Ord. #87-592, § 1, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)

14-1502. **Site plan application fee.** (1) Residential. All applications for consideration by the planning commission of a preliminary or final site plan shall include an application fee. The application fee shall be calculated as follows:

$75.00 base fee plus $10.00 per unit. A separate fee shall be collected for each preliminary and/or final site plan submittal.

(2) Non-residential. All applications for consideration by the planning commission of a site plan shall include an application fee. The application fee shall be calculated as follows:

$75.00 base fee for buildings up to 5,000 square feet in size, plus $0.03 per square foot per buildings 5,001 to 20,000 square feet in size, plus $0.02 per square foot for buildings 20,001 to 100,000 square feet in size, plus $0.01 per square foot for buildings greater than 100,000 square feet in size.

Example -

32,000 square foot building
$75.00 + ($0.03 x 15,000) + ($0.02 x 12,000) = $765.00

(Ord. #87-592, § 2, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)
14-1503. **Zoning, rezoning and planned unit development application fee.**

(1) **Zoning and rezoning.** All applications for consideration by the planning commission for rezoning shall include an application fee. The application fee shall be calculated as follows:

$400.00 base fee for properties up to five acres in size, plus $5.00 per acre for properties 6 to 100 acres in size, plus 42.50 per acre for properties greater than 100 acres in size. If more than one property is included as a single application, the fee shall be based on the total acreage of the request.

Example -

- 10 acre parcel
  - $400.00 + ($5.00 x 5) = $425.00

(2) **Planned unit development.** All applications for consideration by the planning commission for a planned unit development shall include an application fee. The application fee shall be calculated as follows:

$400.00 base fee for properties up to five acres in size, plus $20.00 per acre for properties 6 to 100 acres in size, plus $10.00 per acre for properties 101 to 500 acres in size, plus $5.00 per acre for properties over 500 acres in size. If more than one property is included as a single application, the fee shall be based on the total acreage of the request.

Example -

- 200 acre parcel
  - $400.00 + ($20.00 x 95) + ($10.00 x 100) = $3,390.00

(Ord. #87-592, § 3, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)

14-1504. **Appeal application fee.** The fee for an appeal application shall be fifty and no/100 ($50.00) dollars, unless said appeal application is accompanied by a building permit wherein the appeal application fee shall be only thirty-five and no/100 ($35.00) dollars. (Ord. #87-592, § 4, as renumbered by Ord. #00-2152, Oct. 2000)

14-1505. **Additional fees.** The cost of building permits in the city of Lebanon shall remain as previously adopted by this city council, and the above stated fees are to be charged in addition to the building permit fee. (Ord. #87-592, § 5, as renumbered by Ord. #00-2152, Oct. 2000)

14-1506. **Building inspector authorized to require certain proof and verification.** The city building inspector and those in his office are hereby authorized to require proof, including but not limited to proof of the loan amount, if the city building inspector deems it necessary to verify application for building permits. (Ord. #87-592, § 6, as renumbered by Ord. #00-2152, Oct. 2000)
TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER
1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. HEAVY AND WIDE LOAD COMMERCIAL VEHICLES.
8. ENFORCEMENT.

CHAPTER 1
MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. Driving under the influence.
15-105. One-way streets.
15-106. Unlaned streets.
15-107. Laned streets.
15-108. Yellow lines.
15-109. Miscellaneous traffic control signs, etc.
15-110. General requirements for traffic control signs, etc.
15-111. Unauthorized traffic control signs, etc.

1Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

2State law references
Under Tennessee Code Annotated, section 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.
15-112. Presumption with respect to traffic control signs, etc.
15-113. School safety patrols.
15-114. Driving through funerals or other processions.
15-118. Projections from the rear of vehicles.
15-120. Vehicles and operators to be licensed.
15-121. Passing.
15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-123. Delivery of vehicle to unlicensed driver, etc.
15-126. Regulation of motorized vehicles-city parks.
15-128. Compliance with financial responsibility law required.

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. (1968 code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1968 code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1968 code, § 9-107)


15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1968 code, § 9-109)

15-106. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
(b) When the right half of a roadway is closed to traffic while under construction or repair.
(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1968 code, § 9-110)

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1968 code, § 9-111)

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1968 code, § 9-112)

15-109. Miscellaneous traffic control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1968 code, § 9-113)

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1Municipal code references
Stop signs, yield signs, flashing signs, pedestrian control signs, traffic control signals generally: sections 15-505--15-509.
15-110. **General requirements for traffic control signs, etc.** All traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Manual on Uniform Traffic Control Devices for Streets and Highways*,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1968 code, § 9-114)

15-111. **Unauthorized traffic control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1968 code, § 9-115)

15-112. **Presumption with respect to traffic control signs, etc.** When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. All existing traffic control signs, signals, markings, and devices are hereby authorized, ratified, approved and made official. (1968 code, § 9-116, modified)

15-113. **School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1968 code, § 9-117)

15-114. **Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1968 code, § 9-118)

15-115. **Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any

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¹This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1968 code, § 9-120)

15-116. **Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1968 code, § 9-121)

15-117. **Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1968 code, § 9-123)

15-118. **Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1968 code, § 9-123)

15-119. **Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1968 code, § 9-124)

15-120. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1968 code, § 9-125)

15-121. **Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right. When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1968 code, § 9-126)

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1968 code, § 9-128, modified)

15-123. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions.
   (a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile or who has been emancipated by marriage or otherwise.
   (b) "Adult" shall mean any person eighteen years of age or older.
   (c) "Custody" means the control of the actual, physical care of the minor, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. Custody as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.
   (d) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.
   (e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile,
to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Lebanon unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city.

15-124. Lights and sirens prohibited. (1) Sirens, red lights, etc. It shall be unlawful, except as otherwise provided in the state law, for any vehicle to be equipped with, or for any person to use upon a vehicle, any siren or any exhaust, compression, or spark plug whistle, or any light that displays a red or blue light to the front of the vehicle.

(2) Blue lights. It shall be unlawful for anyone to install, maintain, or exhibit blue flashing emergency lights upon any motor vehicle operated within the City of Lebanon. This prohibition of use of such flashing signal lights shall not prohibit full-time, salaried, uniformed law enforcement officers of the city, county, or state from using such lights. (1968 code, § 9-103.1 and 9-131)

15-125. Emergency and experimental regulations. (1) The chief of police by and with the approval of the commissioner of public works is hereby empowered to make regulations necessary to make effective the provisions of the traffic regulations of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(2) The commissioner of public works may test traffic control devices under actual conditions of traffic. (1968 code, § 9-128)

15-126. Regulation of motorized vehicles-city parks. It shall be unlawful for any person to operate a motorized vehicle on the trails, walkways, paths or ball fields which are a portion of the city park system. This restriction shall apply to use of all motorized vehicles on said premises, except for maintenance or improvement purposes, and shall restrict the subject areas to the use of non-motorized vehicles, except for official use. The regulation and restriction stated herein shall include all paths, walkways, and trails which are a part or portion of the Don Fox Community Park, including but not limited to the Cedar City Trail. (as added by Ord. #95-1377, § 1 and 2, Oct. 1995)

15-127. Careless driving. (1) Every person operating a vehicle upon the streets within the City of Lebanon, Tennessee, or upon any private road or driveway or parking area, shall drive the same in a careful and prudent manner,
having regard for the width, grade, curves, corners, traffic and use of these streets and private areas, and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section.

(2) A violation of this section shall be punishable by a fine of up to fifty ($50) dollars for each separate act of careless conduct. (Ord. #96-1423, Feb. 1996)

15-128. 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 of up to fifty dollars ($50). 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. (as added by Ord. #02-2327, Feb. 2002)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1968 code, § 9-102)

15-202. Operation of authorized emergency vehicles. (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1968 code, § 9-103)

\[\text{Municipal code reference}\]

Operation of other vehicle upon the approach of emergency vehicles: section 15-501.
15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1968 code, § 9-104)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1968 code, § 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1968 code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1968 code, § 9-202)

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 paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1968 code, § 9-203, modified)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

15-401. 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 the movement can be made in safety and signaling his intention in accordance with the requirements of the state law. \(^1\) (1968 code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1968 code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1968 code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of the vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1968 code, § 9-304)


\(^1\)State law reference
\[\text{Tennessee Code Annotated, § 55-8-143.}\]
CHAPTER 5

STOPPING AND YIELDING

SECTION
15-502. When emerging from alleys, etc.
15-503. To prevent obstructing an intersection.
15-504. At railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic control signals generally.
15-508. At flashing traffic control signals.
15-509. At pedestrian control signals.
15-510. Stops to be signaled.

15-501. **Upon approach of authorized emergency vehicles.** Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1968 code, § 9-401)

15-502. **When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop the vehicle immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1968 code, § 9-402)

15-503. **To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1968 code, § 9-403)

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1Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.
15-504. **At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (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. (1968 code, § 9-404)

15-505. **At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1968 code, § 9-405)

15-506. **At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1968 code, § 9-406)

15-507. **At traffic control signals generally.** Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. **Green alone, or "Go":**
   a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2. **Steady yellow alone, or "Caution":**
   a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   b. Pedestrians facing the signal shall not enter the roadway unless authorized to do so by a pedestrian "Walk" signal.
(3) Steady red alone, or "Stop":
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the city, however, provided that the prospective turning car comes to a complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, the turn shall not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:
   (a) Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1968 code, § 9-407, modified)

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city, it shall require obedience by vehicular traffic as follows:

   (a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if there is no crosswalk or limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
   (b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code. (1968 code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1968 code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop the vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,\(^1\) except in an emergency. (1968 code, § 9-410)

\(^1\)State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION

15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Designation of public carrier stops and stands.
15-607. Stopping, standing, and parking of buses and taxicabs regulated.
15-608. Restricted use of bus and taxicab stands.
15-610. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of the vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within the City of Lebanon shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting it, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while the vehicle is parked on a public street. (1968 code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by the signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1968 code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of the vehicle occupies
more than one such space or protrudes beyond the official markings on the
street or curb designating the space unless the vehicle is too large to be parked
within a single designated space. (1968 code, § 9-503)

15-604. 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 (15) feet 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 (50') feet 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.
(14) (a) In an alleyway, fire lane and/or driveway of a private parking
lot, in such a manner that shall block access of fire equipment to buildings
located on or about said alleyways, fire lanes and/or parking lot driveways.

(b) Temporary parking of vehicles in a public alley or parking
lot driveway for the express purpose of loading or unloading merchandise
or supplies shall not be a violation under this chapter so long as said
vehicle is not left unattended.

(c) The parking of vehicles in a public alley and/or public
driveway located on private parking lots for a period greater than thirty
(30) minutes shall be presumed to be other than temporary parking under
this section.
(d) No temporary parking or blocking shall be allowed in any area designed and noted as a fire lane under the fire codes for the City of Lebanon.

(e) This section expressly applies to all public alleyways and also to all public parking lots located in the City of Lebanon which contain more than ten (10) parking spaces.

(f) Those persons found guilty of the violation of this section shall be subject to a fine according to the general penalty provision of this municipal code of ordinances. (1968 code, § 9-504, modified; ord. 88-661, §§ 1-6)

15-605. **Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

All loading and unloading zones designated as merchant loading zones shall be for the express purpose of loading and unloading merchandise by merchants and shall be subject to a maximum two (2) hour time limit and general public parking in such designated areas shall be limited to fifteen (15) minutes for the purpose of loading and unloading passengers. Any owner or operator of a vehicle found to be violating the fifteen (15) minute time limit shall be subject to a fine not to exceed fifty dollars ($50.00). (1968 code, § 9-505; as amended by Ord. #05-2736, May 2005)

15-606. **Designation of public carrier stops and stands.** The commissioner of public works is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets, in such places, and in such number as he determines to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

When a public carrier stop or stand has been designated for the use of a particular carrier, the carrier shall pay five dollars ($5.00) per month for each parking space so designated. (1968 code, § 9-506)

15-607. **Stopping, standing, and parking of buses and taxicabs regulated.**

(1) The operator of a bus shall not stand or park it upon any street at any place other than a bus stand so designated as provided herein.

(2) The operator of a bus shall not stop it upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus when
stopped to load or unload passengers or baggage is in a position with the right 
front wheel not further than eighteen (18) inches from the curb and the bus 
approximately parallel to the curb so as not unduly to impede the movement of 
other vehicular traffic.

(4) The operator of a taxicab shall not stand or park it upon any street 
at any place other than in a taxicab stand so designated as provided herein. 
This provision shall not prevent the operator of a taxicab from temporarily 
stopping in accordance with other stopping or parking regulations at any place 
for the purpose of and while actually engaged in the expeditious loading or 
unloading of passengers. (1968 code, § 9-507)

15-608. **Restricted use of bus and taxicab stands.** No person shall 
stop, stand, or park a vehicle other than a bus in a bus stop, or other than a 
taxicab in a taxicab stand when any such stop or stand has been officially 
designated and appropriately signed, except that the driver of a passenger 
vehicle may temporarily stop therein for the purpose of and while actually 
engaged in loading or unloading passengers when such stopping does not 
interfere with any bus or taxicab waiting to enter or about to enter the zone. 
(1968 code, § 9-508)

15-609. **Parking permits.** The commissioner of finance and revenue is 
hereby authorized to sell parking permits to business people who frequent the 
downtown area at a cost of $5.00 per month. This permit will allow the holder 
all day parking in the designated center area of the public square. The 
downtown shoppers association is to receive credit on their annual payment to 
the city of the total amount of permits sold. (Ord. 71-371)

15-610. **Presumption with respect to illegal parking.** When any 
unoccupied vehicle is found parked in violation of any provision of this chapter, 
there shall be a prima facie presumption that the registered owner of the vehicle 
is responsible for the illegal parking. (1968 code, § 9-515)
CHAPTER 7

HEAVY AND WIDE LOAD COMMERCIAL VEHICLES

SECTION
15-702. Regulation of heavy and wide load commercial vehicles on city streets.
15-703. Heavy and wide load commercial vehicle parking prohibited.

15-701. Definitions. The following words or phrases shall for the purposes of this section mean:
1. "Heavy load commercial vehicle," shall mean any vehicle in excess of five (5) tons.
2. "Wide load commercial vehicle," shall mean any vehicle in excess of 8 ft. wide. (1968 Code, § 9-130, as replaced by Ord. #00-2092, Aug. 2000)

15-702. Regulation of heavy and wide load commercial vehicles on city streets. It shall be unlawful for any heavy and wide load commercial vehicle, as defined in this chapter, to drive on any street in the City of Lebanon except on streets or roads designated as state or federal roads or highways, roads or streets in industrial parks located within the city, or roads or streets designated by a sign stating: "Truck Route." (Ord. Ord. #87-571; §§ 1-3, as replaced by Ord. #95-1375, Oct. 1995; and Ord. #00-2092, Aug. 2000)

15-703. Heavy and wide load commercial vehicle parking prohibited. 1. It shall be unlawful for any person, firm, or corporation owning, operating or having control of any heavy and wide load commercial vehicle to park the same, in lieu of off street or garage parking of such equipment, upon any street, avenue, alley or public way in any residential area of the City of Lebanon.
2. The provisions of this section shall not be deemed to prohibit the lawful driving and parking of such heavy and wide load commercial vehicle upon any street, avenue, alley or public way in the City of Lebanon for service and deliveries and for the actual loading or unloading of goods, wares, or merchandise, provided, however, that "loading" and "unloading" as used in this section shall be limited to the actual time consumed in such operation. (as replaced by Ord. #00-2092, Aug. 2000)

15-704. Enforcement. 1. Violations for driving heavy and wide load commercial vehicles on city streets not designated "Truck Route," or not designated as state or federal roads or highways, shall be punished in accordance with the general penalty provision of the Lebanon Municipal Code.
2. Any heavy and wide load commercial vehicle parked upon any street, avenue, or alley or public way in the City of Lebanon, Tennessee, in violation of this section may be towed away by the police department, and the cost thereof charged to the owner or other person having control of such vehicle or equipment. The towing of a vehicle under this section shall be in addition to, rather than in lieu of, penalties available under the general penalty provisions of this code. (as added by Ord. #00-2092, Aug. 2000)
CHAPTER 8

ENFORCEMENT

SECTION
15-801. Issuance of traffic citations.
15-802. Failure to obey citation.
15-803. Illegal parking.
15-804. Impoundment of vehicles.
15-805. Disposal of "abandoned motor vehicles."

15-801. **Issuance of traffic citations.** When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take the person into custody under arrest, he shall take the name, address, and operator's license number of the 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 the person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1968 code, § 9-601)

15-802. **Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving the 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. (1968 code, § 9-602)

15-803. **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 the 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 the vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

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1Municipal code reference
Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.
State law reference
Tennessee Code Annotated, section 7-63-101 et seq.
For parking violations the offender may waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be three dollars ($3.00) within ten (10) days and five dollars ($5.00) thereafter. (1968 code, § 9-603, modified)

15-804. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets, alleys, or any other public way, and have impounded any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. (1968 code, § 9-604)


15-806. Deposit of license in lieu of bail--failure to appear. (1) Deposit allowed. Whenever any person lawfully possessed of 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 a violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, the person may deposit his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to the charge before the 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 hereinabove described, 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 operator 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, § 55-50-801 et seq. (Ord. 78-452, modified)
TITLE 16

STREETS AND OTHER PUBLIC WAYS AND PLACES

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Obstruction of Town Creek.
16-110. Parades regulated.
16-111. Operation of trains at crossings regulated.
16-112. Animals and vehicles on sidewalks.
16-113. Fires in streets, etc.
16-114. Washing vehicles on streets, etc.
16-115. Storage tanks under streets, etc.
16-116. Properties to be numbered.
16-117. Construction and maintenance of sidewalks.

16-101. **Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1968 code, § 12-201)

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1Charter references
   Commissioner public works: Particularly Art. III, §§ 2 and 14; Art. V, § 5; Art. VIII; and Art. XII, § 4.
   Construction, maintenance and regulations streets, etc.: Particularly Art. II, § 1 (6), (17), (18), (19), (35), (39), (41).
Municipal code reference
   Motor vehicles and traffic: title 15.
16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet. (1968 code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1968 code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. (1968 code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the commissioner of public works. (1968 code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1968 code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited.¹ It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1968 code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1968 code, § 12-208)

16-109. Obstruction of Town Creek. All persons, firms, and corporations are prohibited from changing the present channeled width of Town Creek, or Sinking Creek, in any manner whatsoever, and they are also

¹Municipal code reference
Comprehensive anti-littering provisions: title 8, chapter 7.
prohibited from filling, bridging, or building over said creek in any manner whatsoever. (1968 code, § 12-209)

16-110. **Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration or exhibition on the public streets without some responsible representative of said club, organization or group first securing a parade permit from the commissioner of finance and revenue. Prior to issuing a parade permit, the commissioner of finance and revenue will seek the advice of the chief of police or his duly authorized representative. No permit shall be issued by the commissioner unless such activity will not unreasonably interfere with traffic conditions. Furthermore, no permit shall be issued unless the representatives shall agree to the immediate removal and cleaning up of all litter which shall be left on the streets as a result of the activity. If deemed appropriate, commissioner of finance and revenue can require a reasonable clean-up bond to be posted prior to the issuance of any permit. The permit shall be issued for a parade or demonstration to occur on a specific day at a specific time and shall also define the streets that will be involved. Multiple permits shall not be issued for parades or demonstrations to occur at the same date or time as other existing permits, unless the multiple permit issuance has been approved by the city council. Furthermore, it shall be unlawful for any person or organization obtaining a permit to refuse to immediately clean-up the resulting litter. Any person or organization issued a permit, who refuses to remove or clean the resulting litter shall be subject to a fine of fifty and 00/100 ($50.00) dollars for each street that is involved in the littering. (1968 code, § 12-210, as replaced by Ord. #94-1188, §§ 1 and 2, July 1994)

16-111. **Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty (20) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1968 code, § 12-211)

16-112. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1968 code, § 12-212)

16-113. **Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1968 code, § 12-213)
16-114. **Washing vehicles on streets, etc.** It shall be unlawful for any person to wash any vehicle while it is parked on any street or sidewalk. (1968 code, § 12-214)

16-115. **Storage tanks under streets, etc.** It shall be unlawful for any person to lay or place tanks for the purpose of storage of gasoline, benzine, benzol, naphtha, or other light or volatile products, or crude petroleum under the sidewalks and streets within the corporate limits of the City of Lebanon. (1968 code, § 12-215)

16-116. **Properties to be numbered.** All principal buildings on properties abutting on public streets shall be numbered by the owners in accordance with plans of the commissioner of public works. The prescribed numbers for such buildings shall be so placed that they shall be readily visible and apparent from the street. (1968 code, § 12-216)

16-117. **Construction and maintenance of sidewalks.** All sidewalks shall be constructed in accordance with such grades, plans, and specifications as the commissioner of public works shall prescribe.

The owners of property abutting on sidewalks shall maintain such sidewalks in a good state of repair so that they are at all times in a safe and usable condition.

The occupants of property abutting on sidewalks are required to keep such sidewalks clean and unobstructed. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1968 code, § 12-217)
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating—barricades and lights—temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-211. Driveway permits.
16-212. Penalty.
16-213. Driveway permit fees and costs.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit. 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 commissioner of public works or his designated agent is open for business and said permit shall be retroactive to the date when the work was begun. (1968 code, § 12-101, as replaced by Ord. #95-1411, Jan. 1996)

1State law reference
Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

Municipal code reference
Street cuts, etc: title 13, chs. 1 and 4.
Street cuts for water and sewer taps: title 18, chs. 1 and 4.
16-202. **Applications.** Applications for such permits shall be made to the commissioner of public works 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 person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the commissioner of public works within seventy-two (72) hours of its filing. (1968 code, § 12-102, as replaced by Ord. #95-1411, Jan. 1996)

16-203. **Fee.** The fee for such permits shall be fifty dollars ($50.00) for excavations which do not exceed one hundred (100) square feet in area or tunnels not exceeding fifty (50) feet in length; and five dollars ($5.00) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels. (1968 code, § 12-103, as replaced by Ord. #95-1411, Jan. 1996)

16-204. **Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the commissioner of finance and revenue a one thousand dollar ($1,000.00) cash deposit. The purpose of the deposit or bond is to insure the proper restoration of the ground and laying of the pavement, if any where the amount of the deposit is clearly inadequate to cover the cost of restoration, the commissioner of public works may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. In lieu of a deposit the applicant may deposit with the commissioner of finance and revenue a surety bond in such form and amount as the commissioner of public works deems adequate to cover the costs to the city if the applicant fails to make proper restoration. (1968 code, § 12-104, as replaced by Ord. #95-1411, Jan. 1996)

16-205. **Manner of excavating—barricades and lights—temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1968 code, § 12-105, as replaced by Ord. #95-1411, Jan. 1996)

16-206. **Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street,
alley, or public place, the commissioner of public works shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is restored properly by a specified date, the bond or deposit will be forfeited. The city will do the work and charge the expense of doing it to the person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city. An accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. The above stated conditions and specification shall be binding until one year after the surface is repaved. Penalty for excavations made without permits and bonds, etc. shall be $50.00 per day. The city reserves the right to hold the bond and/or deposit until the one year warranty period expires. All subgrade shall be compacted to 100 percent of the maximum density. (1968 code, § 12-106, as replaced by Ord. #95-1411, Jan. 1996)

16-207. Insurance. In addition to making the deposit or giving the bond herein before required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the commissioner of finance and revenue in accordance with the nature of the risk involved; but the liability insurance for bodily injury shall not be less than $130,000 for each person and $300,000 for each accident, and for property damages not less than $50,000 for any one (1) accident, and a $75,000 aggregate. (1968 code, § 12-107, as replaced by Ord. #95-1411, Jan. 1996)

16-208. Time limits. Each application for a permit shall state the length of time which will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the commissioner of public works. Permit holders have thirty (30) days to begin work stated. Failure to start work within (30) days will require a new permit and payment of all appropriate fees. (1968 code, § 12-108, as replaced by Ord. #95-1411, Jan. 1996)

16-209. Supervision. The commissioner of public works or his designated agent shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city.
16-210. Driveway curb cuts. No one shall cut, build, or maintain a
driveway across a curb or sidewalk without first obtaining a permit from the
commissioner of public works. 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 (35) feet 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 (10) feet in width at its outer or street edge shall be
provided. Driveway aprons shall not extend into the street. (1968 code,
§ 12-110, as replaced by Ord. #95-1411, Jan. 1996)

16-211. Driveway permits. No one shall build or maintain a
driveway entering from private property onto the public streets and thoroughfares of the
City of Lebanon without first obtaining a driveway permit from the
commissioner of public works, or his duly designated representative. Such a
permit will not be issued for the construction of the subject driveway until the
property owner has demonstrated to the commissioner of public works, or his
designated representative, that the contemplated driveway shall be so located
and/or constructed as to be safe to pedestrians and/or vehicular traffic on the
public street or thoroughfare involved, and that the construction of the driveway
has taken into account the drainage characteristics of the area using
appropriate driveway culverts which shall be a minimum of fifteen (15") inches
in diameter unless otherwise approved. The issuance of the driveway permit
shall be coordinated with the driveway curb cut permit required under section
16-210.

(2) Driveway widths shall comply to the requirements of the planning
and zoning ordinances of the City of Lebanon and such driveway widths shall
be measured at the right-of-way, unless otherwise agreed by the commissioner
of public works or his duly authorized representative.

(3) Prior to the issuance of a driveway permit as required under this
section, the commissioner of public works, or his duly authorized representative,
may require the property owner to provide engineering calculations to determine
the adequate culvert size for the driveway. All driveway culverts shall be
designed to allow water of a ten (10) year rain storm frequency and the subject
culverts shall be constructed of corrugated metal or concrete or an approved
equivalent.

(4) The commissioner of public works shall be and is hereby authorized
to prepare the necessary policy and procedures to implement this section, and
said policy and procedures shall be reviewed and approved by resolution of the
city council, prior to implementation.
(5) The commissioner of public works or his duly authorized representative, may require the posting of appropriate bonds prior to the proposed driveway construction to insure the proper construction or reconstruction of the curb, curb and gutter or sidewalks involved with the proposed driveway construction.

(6) Any person or organization who has a grievance concerning the enforcement of the driveway permit process may appeal the ruling of the commissioner of public works in the following manner: A written statement of grievance shall be submitted for review to the City of Lebanon Board of Zoning Appeals with a copy of said documentation to be sent to the city attorney for consultation purposes. The board of zoning appeals shall review the grievance at the next available regular meeting, so long as said written appeal is filed with the planning office on or before ten (10) days from the meeting date. If the filing occurs within ten (10) days from the meeting date, the appeal shall be considered by the board of zoning appeals at the next month's meeting. The board of zoning appeals upon good cause shown may overrule the decision of the commissioner of public works concerning the driveway permit procedure described herein. A written statement of resolution, either confirming or overruling the decision of the commissioner of public works shall be sent to the commissioner within ten (10) days after the hearing date. (As added by Ord. #95-1380, § 1, Nov. 1995, as replaced by Ord. #95-1411, Jan. 1996)

16-212. Penalty. (1) Any person violating the provisions of this chapter shall be subject to a citation before the city judge and shall be subject to a penalty of fifty dollars ($50.00) for said violation. The continuation of any violation for an extended period shall allow the city judge to penalize the offender a separate penalty for each day the person is in violation of this section.

(2) In addition to the above stated penalty, the commissioner of public works or his duly authorized representative shall require the certificate of occupancy for any building associated with the subject driveway to be withheld until all provisions of this chapter are appropriately addressed and approved by the commissioner of public works or his duly designated representative. (As added by Ord. #95-1380, § 2, Nov. 1995, as replaced by Ord. #95-1411, Jan. 1996)

16-213. Driveway permit fees and costs. Any person or organization obtaining a driveway permit under this section shall pay the following fees for the issuance of said permit:

(1) Each residential driveway shall pay a fee of twenty-five dollars ($25.00) for each driveway connected that involves a one or two family dwelling.

(2) Any commercial, apartment or industrial driveways shall require a fee of fifty dollars ($50.00) for each driveway.

(3) In addition to the above stated fees, in the event the engineering department is required to perform any engineering design or calculations
concerning the issuance of any driveway permits, the commissioner of public works or his designated representative shall be authorized to require the payment of appropriate costs that have been incurred by the City of Lebanon during the issuance of the subject permit. (As added by Ord. #95-1380, § 3, Nov. 1995, as replaced by Ord. #95-1411, Jan. 1996)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER
1. COLLECTION.
2. MEDICAL AND HAZARDOUS WASTES.

CHAPTER 1

COLLECTION

SECTION
17-102. Roll out containers.
17-103. Placement of containers for collection.
17-104. Restrictions on placement of containers.
17-105. Hours for placement of containers for collection.
17-106. Storage of containers.

17-101. **Administration.** The commissioner of public works, or his authorized representative, shall make and modify regulations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste refuse. (Ord. 91-843)

17-102. **Roll out containers.** For residential households which elect and are subsequently selected to participate in the curbside garbage collection system, the city will provide, at no cost to the resident, one 90 gallon roll out container. The commissioner of public works, or his designated representative, may request that any residential household regularly exceeding 90 gallons of garbage in a collection period make other approved special arrangements or purchase a second container from the city. (Ord. 91-843)

17-103. **Placement of containers for collection.** It shall be the responsibility of each occupant, on the scheduled day of collection, to place their container on the property side of the curb or street, or at the edge of the alley where serviceable alleys are available, or in a city designated location for pick-up. Containers shall be placed in such a location as to be readily accessible for removal by the city. (Ord. 91-843)
17-104. **Restrictions on placement of containers.** The container shall be placed in such a manner as not to interfere with power lines, tree or scrub branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Garbage containers shall not be placed, without the express permission of the city, on a public sidewalk, in the street, or in a drainage ditch. (Ord. 91-843)

17-105. **Hours for placement of containers for collection.** Containers shall be placed for collection no earlier than dusk on the day before collection, and no later than 7:30 A.M. on the scheduled day of collection. Containers must be removed from the curb, street, or alleyway, no later than 7:00 P.M. on the day of collection. (Ord. 91-843)

17-106. **Storage of containers.** All residential garbage containers shall be located for storage on the premises at a location which is closer to the back door of the residence using the container than to any doorway or window of any other residence. No garbage container shall be stored for use between the street and the front of the premises. (Ord. 91-843)

17-107. **Placement of containers in multi-family dwellings.** In all multi-family dwellings, the commissioner of public works, or his designated representative, may designate the area in which garbage containers must be located. Such location shall be selected so as to create a minimum of disturbance or distraction to adjoining residents and to the general public. (Ord. 91-843)

17-108. **Violations.** Any violations of the requirements of this section shall be punishable in accordance with the general penalty provision of this municipal code of ordinances. (Ord. 91-843, modified)
CHAPTER 2

MEDICAL AND HAZARDOUS WASTES

SECTION
17-201. Medical waste.
17-203. Violations and penalty.

17-201. Medical waste. (1) Storage generally. All pathological and/or infectious waste from, but not limited to hospitals, physicians, clinics, dental clinics, blood banks, medical laboratories, nursing homes, health care facilities, and mortuaries shall be placed in separate containers from normal waste items, and the infectious waste material shall be placed in durable disposable bags that can be tied and sealed when full. The bags holding pathological and/or infectious waste shall be stored in metal or equivalent containers with tight fitting lids while in the process of being filled. Containers for the storage of pathological and/or infectious waste shall be kept in places restrictive from access by the public and the materials shall be placed at the collection point only on the day they are to be collected. Needles shall be placed in puncture proof containers immediately after use and disposal syringes shall be disposed of with other medical waste and not become part of the normal solid waste stream. The disposal of all pathological and/or infectious waste shall be the responsibility of the person generating the waste and it shall be illegal for said pathological and/or infectious waste to be mixed with other refuse rubbish or garbage being collected by the city and/or any approved collection agencies in the city. All generators of pathological, infectious and hazardous waste shall fully comply with the rules, regulations and requirements of the public health department concerning the waste.

(2) Restrictions on disposal. It is an unlawful and prohibited act to deposit any pathological and/or infectious waste in any garbage container or to in any way associate or mix the same with the garbage, rubbish or refuse that is to be collected by the city.

Infectious and pathological waste including hypodermic syringes, however, hypodermic syringes which are not of an infectious nature may be inserted in the normal garbage, refuse or rubbish for collection so long as said hypodermic needles are properly packaged as described herein. All hypodermic syringes which are placed in the garbage or refuse for collection by city employees shall have the needle broken at the hub of said syringe and said hypodermic syringes shall be enclosed in a protective container of sufficient strength and size to protect the city employees from inadvertent injury during the collection procedures.

(3) "Sharps." No hypodermic syringes, knives or other sharp objects shall be placed in a garbage container in such a manner as to expose city
employees or others handling said container to possible injury because of the existence of said syringes or other sharp objects.

Anyone disposing of hypodermic syringes, sharp objects or other hazardous material in such a manner as to cause injury or expose those persons handling the garbage or garbage containers to possible injury, shall be in violation of this chapter and subject to the full prosecution of the penalties presented in this chapter. (Ord. 89-735, §§ 1, 2(f), 3 and 4)

17-202. **Hazardous waste.** (1) **Disposal in garbage streams prohibited.** The following substances are hereby prohibited from being deposited in garbage containers or in anyway being associated or moved with the garbage, rubbish or refuse that is to be collected by the City of Lebanon:

(a) Flammable liquids, solids or gases, such as gasoline, benzine, alcohol or other similar substances.
(b) Any material that could be hazardous or injurious to city employees or material which would cause damage to city equipment.
(c) Radioactive material.
(d) Construction waste which shall have been generated or created from construction, demolition, remodeling, or other construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all other types of scrap building materials.
(e) Hot materials such as ashes, cinders, etc. (Ord. 89-735, § 2)

17-203. **Violations and penalty.** It shall be unlawful for any person to violate any provision of this chapter. Violations of this chapter shall be punished in accordance with the general penalty provisions of this municipal code of ordinances.
TITLE 18

WATER AND SEwers

CHAPTER
1. GENERAL ADMINISTRATION.
2. WATER SERVICES.
3. CROSS CONNECTION AND AUXILIARY INTAKE POLICY.
4. SEWER SERVICE.
5. WASTEWATER DISCHARGE AND TREATMENT.
6. PROPERTY ALONG MADDOX-SIMPSON PARKWAY.
7. STANDARD TERMINATION PROCEDURES FOR UTILITIES.

CHAPTER 1

GENERAL ADMINISTRATION

SECTION
18-101. Utility department empowered to offer services.
18-102. Rules and regulations to carry out chapter.
18-103. Policy requirements.
18-104. [Deleted.]
18-105. Penalty for delinquent bills.
18-106. Cross connection control board.
18-107. Definition of maintenance responsibilities and costs.

18-101. Utility department empowered to offer services. The utility department of the City of Lebanon is authorized and empowered to offer water services and sewer services to areas inside and outside the city limits of Lebanon, Tennessee, and to continue rendering services to areas now served, under the provisions of the following sections of this chapter. (1968 code, § 13-101)

18-102. Rules and regulations to carry out chapter. The office of the commissioner of finance and revenue and the office of the commissioner of public works of the City of Lebanon shall make such extension policies and rules and regulations as are necessary and proper for carrying out the terms and conditions of this title. (1968 code, § 13-114, modified)
18-103. **Policy requirements.** The following are meter connection fees:

<table>
<thead>
<tr>
<th>METER</th>
<th>WATER CONNECTION FEE</th>
<th>GAS</th>
<th>METER CONNECTION FEE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$60.00</td>
<td>Residential</td>
<td>$60.00</td>
</tr>
<tr>
<td>Commercial</td>
<td>$110.00</td>
<td>Commercial</td>
<td>$110.00</td>
</tr>
<tr>
<td>Industrial</td>
<td>$260.00</td>
<td>Industrial</td>
<td>$260.00</td>
</tr>
</tbody>
</table>

*All meter connection fees are non-refundable and non-transferable. (as added by Ord. #05-2548, Jan. 2006, and replaced by Ord. #08-3448, Nov. 2008)*

18-104. **[Deleted.]** (1968 code, § 13-111, as amended by ord. 70-364, § 1, and deleted by Ord. #10-3630, Jan. 2010)

18-105. **Penalty for delinquent bills.** The rates for sewer services and water services set out in this chapter are net, the gross being 10% higher, and in the event the current monthly bill is not paid on or before the delinquent date shown on the bill, the gross rate shall apply. (1968 code, § 13-113)

18-106. **Cross connection control board.**

1. Cross connection control board. A cross connection control board is hereby established.

2. The purpose of the cross-connection control board shall be to assist the cross-connection control personnel of the City of Lebanon in establishing and operating a proper cross-connection control program, and to promote the protection of the public water system for the City of Lebanon.

3. The board shall consist of five (5) regular members appointed by the Mayor of the City of Lebanon.

4. The term for each member of the cross-connection control board shall be two (2) years, with the initial term of appointment expiring on January 15, 1990. It shall be permissible for a member of the board to be reappointed to serve additional terms on the board.

5. The Board shall meet as required, but shall hold at least four (4) meetings each year.

6. Board shall select annually a chairman from among its members, and shall establish regulations and procedures for the cross-connection control program, consistent with chapter 3 of this title, applicable Tennessee statutes, and applicable regulations for the department of public health. Any regulations and procedures promoted or established by the board shall be subject to the approval of the commissioner of public works and the Lebanon City Council.

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1 Municipal code reference
Cross connections, etc: this title, ch. 3.
(7) The commissioner of public works for the City of Lebanon shall be an ex-officio member of the board, however, the commissioner shall not vote concerning the action of the board. The commissioner of public works shall remain primarily responsible for the operation and supervision of the cross-connection control program pursuant to the provisions of chapter 3 of this title.

(8) The cross-connection control board shall keep formal minutes of its meetings, which shall be available for examination by the public.

(9) The board shall have the responsibility and authority to monitor the cross-connection control program which has been established by the City of Lebanon, and to make suggestions for improvements to the commissioner of public works.

(10) The cross-connection control board shall hear complaints and petitions filed by any citizen concerning the operation of the cross-connection control program. Upon a hearing of the evidence presented by any person making an appeal, the board shall make a decision concerning the appeal and issue a final written order of determination within sixty (60) days of the final argument presented at hearing.

(11) The final orders of the board shall be the orders of compliance, subject to an appeal.

(12) Any party aggrieved by any final order or determination of the board may seek judicial review of the board's order by filing a petition to the Chancery Court of Wilson County, Tennessee. (Ord. 88-605, §§ 1-12)

18-107. Definition of maintenance responsibilities and costs. All costs and expenses incidental to the initial installation and connection of a customer to the sanitary sewer system shall be borne by the customer. After initial installation, routine maintenance of the sanitary sewer line from the customer's building to the city's sanitary sewer main is the responsibility of the customer, however, in the event that said routine maintenance requires that the customer's sanitary sewer service line from the city's sanitary sewer main to the customer's lot line be removed, modified or altered, then that portion of the customer's sanitary sewer service line from the main to the customer's lot line shall be considered the city's sanitary sewer lateral line and shall be owned and maintained by the City of Lebanon. Nothing in this code shall be construed to require the City of Lebanon to be responsible for any maintenance of the customer's sanitary sewer service line from the building facilities or home to the customer's lot line, and routine maintenance which occurs without the necessity of opening the service line ditch shall be performed by the customer at his or her cost. (as added by Ord. #94-1145, § 1, April 1994)
CHAPTER 2

WATER SERVICES

SECTION
18-201. Service pipes and meters—installation.
18-202. Meter tests; authority to estimate charges; interference with meters.
18-203. Service interruptions.
18-204. Unauthorized use of fire hydrants.
18-205. Fluoridation of water supply.
18-206. Water taps and water main extensions.
18-207. Water rates.

18-201. Service pipes and meters—installation. Water service pipes from the main to the meter shall be kept in repair by the water department and shall at all times be subject to its control. Only authorized personnel or employees of the water department will be allowed to turn on, turn off, repair, or relocate any water meter or apparatus connected therewith.

The water department will furnish and install at its expense the necessary meter, which shall be located on the customer's property line in the most suitable place.

The water department shall have the right of access at all times to the meter, pipes, and other equipment for the purpose of maintenance, inspection,¹ and repair.

All pipes, meters, and other equipment supplied at the expense of the water department shall remain its property, whether installed on the property of the customer or not.

The point of delivery of water shall be the outlet of the water department's meter. All pipes, apparatus, and equipment on the customer's side of the point of delivery shall be installed and maintained by and at the expense of the customer.

The water department may refuse to make connection or to commence or to continue water service whenever any installation is not in proper or safe condition; but no inspection by the water department, nor the failure to make such inspection, nor any failure by it to object to the customer's installation, nor the fact that it shall make connection with the customer's installation, shall render the water department, in any way, liable for any damage or injury resulting from any defect in such installation.

¹Water review and inspection fees and amendments thereto are of record in the office of the city recorder.
No water service shall be given to any building unless the building has a sanitary sewer outlet to an approved septic tank, approved by the state health department, or is receiving sanitary sewer service from the City of Lebanon under the provisions of this title. This paragraph is not to be construed as eliminating the requirements of this title to connect to a sewer main when it is available or convenient or practical to do so.\(^1\) (1968 code, § 13-115, as amended by Ord. #07-3127, May 2007)

18-202. **Meter tests; authority to estimate charges; interference with meters.** In accordance with the regular meter testing program of the water department, all meters are tested at intervals, and may be removed for testing and another meter substituted at the option of the water department.

If a meter fails to register for any period, the water department shall estimate and charge for the water used by averaging the amounts used over similar preceding periods or over corresponding periods of previous years.

The properly authorized employees of the water department shall at all reasonable times have the right of access to the meter and its accessories for the purpose of reading, inspecting, or replacing the meter or other equipment. Any interference with the proper operation of the meter or any intentional damage to the water department-owned equipment by the customer shall at the option of the water department be cause for the removal of the meter and the discontinuance of service. (1968 code, § 13-116)

18-203. **Service interruptions.** Every effort will be made by the water department to insure adequate, continuous service. Because of the possibility of pipe line breaks, accidents, strikes, or other causes of interruption beyond its control, neither the water department nor the city is to be liable for any damages caused by any service interruption or lack of adequate pressure in its mains. (1968 code, § 13-117)

18-204. **Unauthorized use of fire hydrants.** It shall be unlawful for any unauthorized person to interfere with or in any way to use or attempt to use or turn the water on or off on any fire hydrant. (1968 code, § 13-119)

18-205. **Fluoridation of water supply.** The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the city, to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals and fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the water supply.

\(^1\)Municipal code reference

Mandatory connection to public sewers: section 18-502.
The cost of fluoridation will be borne by the revenues of the water department. (1968 code, § 13-120)

18-206. Water taps and water main extensions. (1) Customers and permits. (a) All persons, firms or corporations desiring to tap on to a water main of the City of Lebanon, Tennessee shall first apply to the office of the commissioner of public works or authorized agent of the City of Lebanon, Tennessee for a permit. Tap fees in accordance with the provisions set out in this section shall be paid at the time of application for such permit by those persons, firms, or corporations to whom the City of Lebanon, Tennessee will issue a permit.

(b) Inside city customers shall be defined as those persons, firms or corporations whose location for water service is situated within the corporate city limits of Lebanon, Tennessee.

(c) Outside city customers shall be defined as those persons, firms or corporations whose location for water service is situated outside the corporate city limits of Lebanon, Tennessee.

(d) Water taps to recognized utility districts, as organized under the provisions of Tennessee Code Annotated, are permitted under this section. The fee for which the water tap is to be made is to be negotiated between the city and the utility district and established by a resolution of the city council of the City of Lebanon, Tennessee.

(2) Openings, taps, bonds, and meter locations. (a) Existing water mains. (i) All openings required for tapping will be made by the applicant, after which, the city will tap the water main and run the service line from the main to the meter location.

(ii) The meter location is to be determined by the office of the commissioner of public works of the City of Lebanon, Tennessee.

(iii) All conditions set forth in title 16, chapter 2 of this code concerning the posting of a bond, the replacement of all damages, the time of replacement, and the indemnity to the city as a result of any loss provisions of this chapter concerning water taps shall remain in effect.

(b) New water mains. (i) Developers and/or contractors shall be responsible for all materials and installation of mains, service connections, and appurtenances.

(ii) The meter locations are to be approved by the office of the commissioner of public works.

(3) Assessment and collection of tap fees. (a) Before a new connection is made to the water system or an existing customer increases service requirements by expansion of the original served facilities, a tap fee shall be assessed and collected by the city. The tap fee is composed of two parts: a connection charge and an installation charge.
(b) The connection charge is paid for the purpose of enabling the city to periodically upgrade its facilities as required by the addition of new customers. The connection charge is assessed and shall be paid whenever a new tap is made to the city system or an expansion is made in the size of the original service facilities, which increases the demand on the water system.

(c) The installation charge covers the City of Lebanon's cost of labor, equipment and materials used in installing the service line and meter between the water main and the customer's side of the meter. The cost of opening and closing the ditch and any street cut and repair shall be the responsibility of the customer. Where it is not necessary for the customer to open and close the ditch and make street cuts because that work has previously been done by the city, the commissioner of public works shall establish an additional charge that represents the city's recovery of the costs of the work previously done.

(d) Service lines connected to the public water system shall be located and installed in accordance with the established standards of the city. When a service line is completed as part of the public water system, the city shall be responsible for the maintenance and upkeep for such service line from the water main to and including the meter and meter box; and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall be installed, shall belong to, and shall be the maintenance responsibility of the customer.

(e) Where a connection is made to the water main, a connection charge shall be paid in accordance with the following schedule:

<table>
<thead>
<tr>
<th>WATER METER SIZE, INCHES</th>
<th>INSIDE CITY</th>
<th>OUTSIDE CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4</td>
<td>$250</td>
<td>*</td>
</tr>
<tr>
<td>1</td>
<td>$450</td>
<td>*</td>
</tr>
<tr>
<td>2</td>
<td>$1,800</td>
<td>*</td>
</tr>
</tbody>
</table>

Connection charges for 4 inch and larger meters are to be negotiated based on expected maximum demand with $4,000.00 as a minimum for "inside the City" customers.

The Connection Charge for connections made outside the Corporate Limits shall be 1.2 times that charge applicable to "inside the City" charges.

(f) The installation charge consists of the cost of labor, materials and equipment involved in installing the service line, meter,
meter box and required appurtenances, and will be paid in accordance with the following schedule:

**INSTALLATION CHARGE SCHEDULE [IF APPLICABLE] (ALL CUSTOMERS)**

<table>
<thead>
<tr>
<th>Water Meter Size</th>
<th>Complete Installation</th>
<th>Installation of Meter and Meter Box Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>$ 350.00</td>
<td>$ 90.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$ 500.00</td>
<td>$ 160.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$ 1,850.00</td>
<td>$1,480.00</td>
</tr>
</tbody>
</table>

**TAP FEE SCHEDULE FOR 4" AND GREATER**

- 4" $320
- 6" $400
- 8" $450
- 10" $550
- 12" $700

It shall be the responsibility of the contractor to furnish all material required to make any tap greater than two inches (2") in diameter.

(g) Where a connection is made to the water main only for the purpose of establishing and supplying water to a private fire protection system, such as a sprinkler system, system of outside fire hydrants, or other such system, a connection charge shall be paid for the privilege of connecting the fire service to the Lebanon water system in accordance with the following schedule:

**PRIVATE FIRE SERVICE CONNECTION CHARGE SCHEDULE**

<table>
<thead>
<tr>
<th>Fire Service Connection Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection Size</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>6&quot;</td>
</tr>
<tr>
<td>8&quot;</td>
</tr>
<tr>
<td>10&quot;</td>
</tr>
<tr>
<td>12&quot;</td>
</tr>
</tbody>
</table>

(4) Water main extensions. (a) Water main extension to developed areas.
(1) The provisions of this section shall apply to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivisions promotion, even though accompanied by the erection of occasional houses within such areas.

(2) Owner(s) of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of the proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The city shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension.

(3) Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon until the cost of the water main extension has been reimbursed to the city as provided by the agreement or until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the city at which time pro rata amounts of the cash deposit shall also be returned to the depositors.

(b) Water main extension to other areas.

(1) The provisions of this subsection shall apply to all areas to which the preceding section is not applicable.

(2) For water main extension under this subsection, there is hereby established a capacity fee of $250 per equivalent single family unit (SFU) of flow on all new connections where public water does not exist in the development of new or enlarged residential, commercial or industrial improvements which may use or require or are designed to use or require forty thousand (40,000) gallons of water per month. An SFU is defined as three hundred and fifty (350) gallons per day usage.

(3) The capacity charge of $250 per SFU distinguished from and collected in addition to the tap fees set forth in section 18-206.

(4) The capacity fee established in this section shall be due and payable upon approval of the contract required herein and is a prerequisite to such approval. The applicant shall be entitled to a credit against the capacity fee for the value of the facilities installed and conveyed to the city to the extent of fifty per cent
(50%) of the value of such facilities required to be constructed by the city, but which are in excess of the facilities actually necessary for the developer's development. Provided, however, that in no event shall the credit allowed herein exceed fifty per cent (50%) of the capacity fee computed in conformity with subsection (6) herein and in no event shall the applicant be entitled to credit to an extent greater than the value of the improvements.

(5) Upon approval of the application, the developer shall enter into a contract with the city. Nothing in this section shall be construed to create any obligation of the City of Lebanon to fund in whole or in part the construction or expansion of the water facilities.

(6) The capacity fee for water shall be calculated according to the following formula:

**CAPACITY FEE FOR WATER**

A. Computation of Capacity Fee before credit, if any

1. Number of equivalent SFU

2. Capacity Fee before credit
   (Line 1 x $250 for water)

B. Computation of Credit for Capacity Fee

1. Total estimated materials and construction cost of all water facilities as determined by city

2. Total estimated materials and construction cost of water facilities actually necessary to serve only the development as determined by city

3. Subtract Line 2 from Line 1 and enter the amount

4. Multiply Line 3 x 50 percent and enter the maximum potential credit

5. Multiply Line 2 of Part A above x 50 percent and enter the amount
6. Enter the smaller of Lines 4 and 5

7. Subtract Line 6 from Line 2 of Part A above and enter the amount of the Capacity Fee after deduction of credit

(c) Variances from and effect of preceding rules as to water main extensions. (1) Whenever the City of Lebanon is of the opinion that it is to the best interest of the Lebanon water system to construct a water main extension without requiring strict compliance with 18-206(4)(a) and (b) above, such water main extension may be constructed upon such terms and conditions as shall be approved by resolution of the Lebanon City Council.

(2) The authority to make water main extensions under 18-206(4)(a) and (b) is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or entity.

(d) Water access fee. (1) In order to provide funds for improvements to the Lebanon water system, such improvements being required periodically because of increases in needs due to expanding service requirements, the City of Lebanon hereby establishes a water line access fee, hereinafter referred to as the "Access Fee." The access fee may be established by a resolution of the Lebanon city council. The access fee may be assessed to any person or entity connecting to the water line or facilities of the City of Lebanon for the purpose of furnishing water service to a new or enlarged residential, commercial or industrial development constructed under section 18-206(4)(a), (b), or (c) above as may be established by the City of Lebanon.

(2) For the purpose of this section, a development is defined as any user of water service which takes, or plans to take, from the Lebanon water system 40,000 gallons per month, or more, of water.

(3) The access fee shall be based on the anticipated water use for the development. Such anticipated use shall be determined by the commissioner of public works and shall be based on (i) information furnished to the commissioner by the person or entity desiring to connect to the water lines or facilities, (ii) information contained in recognized state or national publications; (iii) records of similar installations; (iv) information provided from other reliable sources approved by the commissioner; (v) or by the following schedule:
## STANDARD FAMILY UNIT EQUIVALENCIES

<table>
<thead>
<tr>
<th>Customer Type (1)</th>
<th>Customer Unit Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residence (S.F.U.)</td>
<td>1.0</td>
</tr>
<tr>
<td>Apartments of other Multiple Unit Residences (per unit)</td>
<td>0.8</td>
</tr>
<tr>
<td>Restaurant (per seat)</td>
<td>0.1</td>
</tr>
<tr>
<td>Motel (per unit)</td>
<td>0.3</td>
</tr>
<tr>
<td>Office Building (4) (per 100 square feet)</td>
<td>0.04</td>
</tr>
<tr>
<td>Commercial Store (4) (per 100 square feet)</td>
<td>0.02</td>
</tr>
<tr>
<td>Industrial Facilities domestic waste only (per employee, ultimate employment)</td>
<td>0.04</td>
</tr>
</tbody>
</table>

The unit of measure shall be the single family unit (SFU) which shall be equivalent to a daily use of 350 gallons.

The access fee shall be paid prior to the issuance of construction permit for installation of the water line or lines to serve the development. Funds paid to the city as access fees shall be deposited in a special account for the purpose of providing funds for additions and improvements to the Lebanon water system or for the payment of recovery amounts as provided in section 18-206(4)(b)(5) above. (1968 Code, § 13-110, as amended by ord. 86-542, ord. 87-581, ord. 86-624, ord. 91-903, and Ord. #07-3127, May 2007)

### 18-207. Water rates

For the purpose of funding all reasonable expenses of the operation, repair and maintenance of the Lebanon water system and to provide a fund for the payment of principal and interest on bonds and other debts when due, and to maintain an adequate depreciation account, the following rates and charges are hereby established according to water usage per month. These water service charges shall be reviewed annually by the commissioner of finance and revenue of the City of Lebanon and may be modified by ordinance to reflect changing conditions.

1. **Service charge.** A water service charge shall be paid by the owner or occupant of each occupied lot of parcel of land which is connected to the Lebanon water system, and all computations for such charges shall be determined by water metering readings.

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1Water and sewer rates (and amendments thereto) are of record in the office of the city recorder.
(2) **Utility districts and authorities.** Water sales to recognized utility districts and authorities, as organized under the provisions of Tennessee Code Annotated are permitted under this section. The rates and charges at which the water is to be sold is to be negotiated between the city and the utility districts and authorities and such rates and charges shall be established by a resolution of the city council of the City of Lebanon, Tennessee.

(3) **Provisions applicable to all water customers.** The water service charge is to be shown on the monthly utility bill and will be paid on the due date of the other utilities billed and will be subject to the penalty for delinquent payment as is applicable. If the service charge is not paid as herein set forth, water services to the customer will be discontinued in addition to other recourses the city may have to collect unpaid charges. Inside city customers shall be defined as those persons, firms or corporations whose location for water service is situated within the corporate limits of Lebanon, Tennessee. State and local sales tax is not included in the rate schedule and will be added when applicable. (1968 Code, § 13-112, as replaced by Ord. #87-581; Ord. #88-670; Ord. #91-859; and Ord. #96-1464, June 1996, and amended by Ord. #02-2370, June 2002, and Ord. #06-2946, June 2006)
CHAPTER 3

CROSS CONNECTION AND AUXILIARY INTAKE POLICY

SECTION
18-301. Purpose and policy.
18-302. Objectives.
18-305. Regulated.
18-306. Permit required.
18-307. Inspections.
18-308. Correction of violations.
18-309. Required devices.
18-310. Nonpotable supplies.
18-311. Statement required.
18-312. Fees.
18-313. Penalty; discontinuance of water supply.
18-314. Provision applicable.

18-301. Purpose and policy. This policy sets forth uniform requirements for the protection of the public water system for the City of Lebanon, Tennessee from possible contamination, and enable the city to comply with all applicable local, state and federal law, regulations, standards or requirements, including the Safe Drinking Water Act of 1974 and of 1996, Tennessee Code Annotated, §§ 68-22i-701 to 68-22i-720 and the Rules and Regulations for Public Water Systems and Drinking Water Quality issued by the Tennessee Department of Environment and Conservation, Division of Water Supply. (Ord. 86-544, § 1, as replaced by Ord. #07-3248, Nov. 2007)

18-302. Objectives. The objectives of this policy are to:
(1) Protect the public potable water system of Lebanon, Tennessee from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or back siphon into the public water system;

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1Municipal code references
Cross connections control board: this title, ch. 1.
Plumbing code: title 12.
Water and sewer system administration: this title, ch.1.
Wastewater treatment: this title, ch. 4.

with any other water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(10) "Customer" shall mean any person, residence, commercial and/or industrial facility that receives water service from the City of Lebanon Water Distribution System.

(11) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(12) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(13) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 – Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or others safe outlets.

Class 2 shall be the same as Class 1, except the booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tank, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven
wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(14) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or other liquid which would be capable of imparting contamination to the public water system.

(15) "Person" shall mean any and all persons, natural or artificial, including an individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(16) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(17) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(18) "Public water supply" shall mean the Lebanon waterworks system, which furnished potable water to the city for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(19) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(20) "Superintendent" shall mean the Superintendent of the Lebanon Water Department for the City of Lebanon or his duly authorized deputy, agent or representative.

(21) "Water system" shall be considered as made up of two (2) parts, the utility system, and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage and distribution of water; and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins (i.e. the water meter);
(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying domestic water to points of use. (Ord. 86-544, § 3, as replaced by Ord. #07-3248, Nov. 2007)

18-304. Compliance with Tennessee Code Annotated. The commissioner of public works and superintendent shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The City of Lebanon shall comply with Tennessee Code Annotated, §§ 68-13-701 through 68-13-719 as well as the rules and regulations for public water systems and drinking water quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (Ord. 86-544, § 4, as replaced by Ord. #07-3248, Nov. 2007)

18-305. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Lebanon Water Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the water department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made; or allow to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the superintendent of the public water system.

(3) If, in the judgment of the superintendent an approved backflow prevention device is required at the city's water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the superintendent shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the superintendent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.
(6) For existing premises, the superintendent shall conduct inspections and evaluations, and shall require correction of violations in accordance with provisions of this chapter. (Ord. 86-544, § 5, as replaced by Ord. #07-3248, Nov. 2007)

18-306. Permit required. (1) New installations. No installation, alteration, testing or change shall be made of any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing a suitable plumbing permit from the Lebanon Building Inspectors Office (where appropriate), approval from the Lebanon fire official (where appropriate) and a cross connection control devices test report with an installation/maintenance tag from the superintendent. A copy of the plumbing permit (where applicable) shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection. The installation/maintenance tag shall be installed on the device following installation and testing, and shall be removed only by the superintendent at the time of inspection. One (1) copy of the cross connection control devices test report shall be submitted to the superintendent upon completion of the installation and testing.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate permits, approvals and a cross connection control devices test report and an installation/maintenance tag from the superintendent. The installation/maintenance tag shall be installed on the device following alteration, repair and/or testing, and shall only be removed by the superintendent. (Ord. 86-544, § 6, as replaced by Ord. #07-3248, Nov. 2007)

18-307. Inspections. (1) The superintendent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection shall be based on potential health hazards involved, and shall be established by the superintendent in accordance with guideline acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspections. The superintendent shall have the right to enter, at any reasonable time, any property served by a connection to the Lebanon public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections and shall be grounds for disconnection of water service. (Ord. 86-544, § 7, as replaced by Ord. #07-3248, Nov. 2007)
18-308. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of the chapter shall be allowed a reasonable time within which to comply with the provision of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the superintendent, but in no case shall the time for corrective measures exceed thirty (30) to sixty (60) days depending on the degree of hazard.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the superintendent shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health; and may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-13-711, within the time limits established by the superintendent, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing. (Ord. 86-544, § 8, as replaced by Ord. #07-3248, Nov. 2007)

18-309. Required devices. (1) Where the nature of the use of water supplied to a premises by the Lebanon water system is such that it is deemed:

(a) Impractical to provide an effective air-gap separation;
(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the superintendent that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
(c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
(d) There is a likelihood that protective measures may be subverted, altered or disconnected;
(e) The nature of the premises is such that the use of the structure may be changed to a use wherein backflow prevention is required;

(f) The plumbing from a private well enters the premises served by the public water system, then the superintendent shall require the use of an approved protective device on the water service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(2) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the superintendent, as to manufacturer, model, size and application. The method of installation of backflow prevention devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all commercial and educational buildings, construction sites, all industrial, institutional and medical facilities, all fountains, lawn irrigations systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Backflow devices shall be installed, tested and approved prior to the water meter being placed in service/activated at all locations.

Note: All connections to fire hydrants shall be metered with meters provided by the superintendent. A one thousand dollar ($1,000.00) cash deposit/bond shall be required to assure the meter and backflow device are not damaged or destroyed by the customer.

(a) Class 1 and Class 2 fire protection systems shall generally require a double check valve assembly; except

   (i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

   (ii) A reduced pressure backflow prevention device shall be required where:

          (A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

          (B) Premises have unusually complex piping systems;

          (C) Pumpers connecting to the system have corrosion inhibitors or others chemicals added to the tanks of the fire trucks.

(b) Class 3, Class 4, Class 5 and Class 6 fire protections systems shall require reduced pressure backflow prevention devices.
(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The superintendent may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. Backflow devices should be installed outside in an approved enclosure per section (e) below unless otherwise approved by the cross connection official. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, or its successor. Certification shall be for completion of special training and demonstration of competency in the installation, maintenance and testing of backflow prevention devices. Evidence of current certification shall be required at the time of permit application and installation. Only licensed sprinkler contractors may install, repair, or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions, and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the superintendent, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60")

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall
have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault.

(l) All devices shall be adequately supported to prevent sagging.

(m) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(n) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(o) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by Hydrocowl or a Lebanon Water Department approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of one-fifth inch (1/5") factory manufactured polyisocyanurate insulation in the walls and roof. For backflow prevention devices two and one-half inches (2 1/2") and larger, the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of one-fifth inch (1/5") factory manufactured polyisocyanurate insulation in the walls and three inches (3") factory manufactured polyisocyanurate insulation in the roof. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-on locks.
(iv) The enclosure shall be mounted to a concrete pad as specified by the manufacturer, but in no case less than four inches (4") thick. The enclosure shall be constructed, assembled, and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40°F) with an outside temperature of negative thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen (15) miles per hour.

(p) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity or discontinuing water service to lest or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases the superintendent may require the installation of a duplicate device.

(q) The superintendent shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the superintendent. Expense of such repairs shall be borne by the owner of occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

(6) Testing of devices. Devices shall be tested at least annually by a qualified person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A high risk location may require testing twice each year. A copy of this certification shall be on file with the superintendent for any person installing, repairing, or testing backflow prevention devices. Any person installing, repairing or testing backflow prevention devices shall also maintain on file with the superintendent a current copy of a valid certificate of liability insurance in an amount of not less than one million dollars ($1,000,000.00). Records of all installations, repairs, and testing shall be submitted to the cross connection program administrator upon completion. The superintendent shall have the right to inspect and/or test a device whenever deemed necessary by the
superintendent. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. All testing and inspection services are to be at the expense of the owner or occupant of the premises. (Ord. 86-544, § 9, as replaced by Ord. #07-3248, Nov. 2007)

18-310. Nonpotable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color coding of pipelines, in accordance with Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the superintendent, such coding is necessary to identify and protect the potable water supply. (Ord. 86-544, § 11, modified, as replaced by Ord. #07-3248, Nov. 2007)

18-311. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the superintendent a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #07-3248, Nov. 2007)

18-312. Fees. A fee shall be assessed for all backflow prevention devices requiring inspection or testing by the City of Lebanon. The amount of this fee shall be set and adjusted by the city council based on the recommendations of the superintendent to reflect the cost of providing an effective cross connection control program. This fee shall be assessed as follows:

1. Initial installation/inspection/testing fee: $50.00 (plumbing permit)
2. Testing by city due to non-compliance: $200.00 first offense
(3) Repair/maintenance permit:

Where repeated inspections/tests are required to correct violations or deficiencies, the applicable fee shall be assessed each time the inspection/test is repeated. The superintendent or his authorized representative shall have the authority to direct the city finance department, in writing, to assess outstanding fees to the customer's water bill. (as added by Ord. #07-3248, Nov. 2007, and replaced by Ord. #09-3610, Nov. 2009)

18-313. Penalty: discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this policy shall be deemed guilty of a misdemeanor, and subject to a fine of up to five hundred dollars ($500.00) on the first offense and one thousand dollars ($1,000.00) for each offense thereafter within a five (5) year period. Each day of continued violation after conviction shall constitute a separate offense.

(2) Independent of and in addition to any fines or penalties imposed, the superintendent may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #07-3248, Nov. 2007)

18-314. Provision applicable. The requirements contained in this policy shall apply to all premises served by the City of Lebanon public water system whether located inside or outside the corporate limits and are hereby made part of the conditions required to be met for the Lebanon Water Department to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the superintendent is entitled to a due process hearing upon timely request. (as added by Ord. #07-3248, Nov. 2007)
CHAPTER 4

SEWER SERVICE

SECTION
18-401. Sewer taps: application for, inspection fee, deposit, cost, etc.
18-402. Owner to bear all installation and maintenance cost and indemnify city.
18-403. Written permit required for connection to or using sewer.
18-404. Purpose of sanitary sewers; prohibited uses.
18-405. Sewer service rates.

18-401. **Sewer taps: applications for, inspection fee, deposit, cost, etc.** (1) Customer and permits. (a) All persons, firms or corporations desiring to tap on to a sewer main of the City of Lebanon, Tennessee shall first apply to the office of the commissioner of finance and revenue of the City of Lebanon, Tennessee for a permit. At the time of such application, if the city is willing to issue a permit for same, the applicant shall pay to the city in addition to the tap fee, a sewer inspection fee. Tap fees in accordance with the provisions set out in this section shall be paid at the time of application for such permit by those persons, firms, or corporations to whom the City of Lebanon, Tennessee will issue a permit.
(b) Inside city customers shall be defined as those persons, firms or corporations whose location for sewer service is situated within the corporate city limits of Lebanon, Tennessee.
(c) Outside city customers shall be defined as those persons, firms or corporations whose location for sewer service is situated outside the corporate city limits of Lebanon, Tennessee.
(e) In addition to the permit requirements of this section, all firms having waste other than domestic sewage shall comply fully with chapter 5 of this title, including amendments thereto.
(2) **Openings, taps, bonds, and service tap locations.** (a) All openings and closings required for tapping will be made by the applicant.
(b) The sewer tap location is to be determined by the office of the commissioner of public works of the City of Lebanon, Tennessee. No sewer tap is to be closed without first being inspected and approved by

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1Ord. 88-624 provides for the construction of the sewer system, and contains special provisions related to a special sewer surcharge and other provisions peculiar to this system.

2Sewer review and inspection fees and amendments thereto are of record in the office of the city recorder.
the office of the commissioner of public works of the City of Lebanon, Tennessee.

(c) All conditions set forth in title 16, chapter 2 of this code concerning the posting of a bond, the replacement of all damages, the time of replacement, and the indemnity to the city as a result of any loss provisions of this chapter concerning sewer taps shall remain in effect.

(3) **Assessment and collection of tap fees.** (a) Before a new connection is made to the sewer system or an existing customer increases service requirements by expansion of the original served facilities, a tap fee shall be assessed and collected by the city. The tap fee is composed of two parts: a connection charge and, if applicable, an installation charge. In addition to the tap fee, the commissioner of finance and revenue may require a service deposit to be made before service will be initiated. The amount of the service deposit will be the estimated amount of one month’s sewer service charge to be incurred by the customer. Upon the termination of service, the deposit less any unpaid charges shall be refunded to the customer.

(b) The connection charge is for the purpose of enabling the city to periodically upgrade its facilities as required by the addition of new customers. The connection charge is assessed whenever a new connection is made to the city system or an expansion or change is made in the original facilities served, which increases the demand on the sewer system.

(c) The installation charge is to cover the cost of installing the service line in instances where service lines have been installed because of consideration in the construction of the main line sewer or in other situations as provided herein.

(d) Service lines connected to the public sewer system shall be located and installed in accordance with the established standards of the city. All service lines shall be approved and inspected by the Lebanon department of public works. The customer shall be responsible for the maintenance and upkeep for the service line from the facilities served by the connection to the city's main line sewer.

(e) Where a connection is made to the sewer main, a connection charge shall be paid in accordance with the following schedule:

**STANDARD CONNECTION CHARGE SCHEDULE**

<table>
<thead>
<tr>
<th>Customer Type (1)</th>
<th>Customer Inside City</th>
<th>Customer Outside City (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling (SFU)</td>
<td>$ 1,500.00</td>
<td>$ 2,000.00</td>
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STANDARD CONNECTION CHARGE SCHEDULE

<table>
<thead>
<tr>
<th>Type</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments/Multiple Unit</td>
<td>$ 750.00</td>
<td>$ 850.00</td>
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<tr>
<td>Residences (per unit)</td>
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<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>$ 2,000.00</td>
<td>$ 2,500.00</td>
</tr>
<tr>
<td>Restaurant (4) (per seat)</td>
<td>$ 50.00</td>
<td>$ 60.00</td>
</tr>
<tr>
<td>Motel (4) (per unit)</td>
<td>$ 150.00</td>
<td>$ 180.00</td>
</tr>
<tr>
<td>Office Building (4) (per 100 square feet)</td>
<td>$ 20.00</td>
<td>$ 24.00</td>
</tr>
<tr>
<td>Commercial Store (4) (per 100 square feet)</td>
<td>$ 10.00</td>
<td>$ 12.00</td>
</tr>
<tr>
<td>Industrial Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>domestic waste only (per employee, ultimate employment) (4) (5)</td>
<td>$ 20.00</td>
<td>$ 24.00</td>
</tr>
</tbody>
</table>

(1) A minimum basic charge of $500 will be assessed for any connection inside the corporate limits, and $600 outside the corporation. For any customer type not listed, the commissioner of public works shall establish a connection charge based on anticipated water use. Such anticipated water use shall be determined by the commissioner based on (a) information furnished to the commissioner by the applicant; (b) information contained in recognized state or national publications; (c) records of similar installation or (d) information provided from other reliable sources as approved by the commissioner. In such instances, the connection charge shall be established by dividing the anticipated daily water use as determined by the commissioner by 350 gallons times $500 times 1.2 if the customer is located outside the corporate city limits.

(2) Equivalent SFU is defined as single family unit which shall be equivalent to a daily water use of 350 gallons.

(3) Except as noted herein, customers outside the city shall pay a connection charge 1.2 times that established for the customer type assessed an inside the city customer.
(4) In instances where the customer is an existing establishment and has 12 months of water records, a connection charge based on $500 per SFU or fraction thereof may be used to establish the connection charge.

(5) Industrial flow shall be subject to the requirements of this title, chapter 5 including any amendments thereto. Connection charge for industrial flow acceptable to the city shall be established as provided in item (a) above.

(f) Except as provided in section 18-401(3)(d) above, an installation charge shall be made for any connection made by personnel and equipment of the City of Lebanon. In such instances, the customer will be billed at cost calculated at each connection's direct labor, machinery, and material cost plus twenty-five percent (25%) overhead charge. The commissioner shall estimate the installation charge and a deposit of that amount will be required prior to the issuance of a tap permit. Upon completion of the work, the deposit shall be applied against the installation charge with any underrun to be repaid to the customer and any overrun being paid by the customer.

(4) Sewer main extensions. (a) Sewer main extension to developed areas. (1) The provisions of this section shall apply to sewer main extensions of 500 feet or less to areas where there is a demand for sewer service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

(2) Owners of property to be served by a proposed sewer extension of the character to which this section applies shall pay to the city an amount equal to the estimated cost of the sewer extension as determined by the commissioner of public works.

(3) The owner(s) having made such payment as setforth be entitled to recover a portion of the costs of the sewer extension not to exceed 75 percent of the payment made by the owner(s) to the city. To receive such recovery of costs, the owner(s) must enter into an agreement with the city. This agreement shall contain the following provisions:

(a) the dollar amount in which the owner(s) is entitled not to exceed 75 percent of the cost of the sewer extension;

(b) the period of time during which the owner(s) is entitled to recovery costs not to exceed 5 years from the date of the agreement;

(c) the area which the owner(s) is entitled which shall be limited to the properties adjoining the route of the
sewer extension limited to 4 inch and 6 inch gravity connections to the sewer extension;

d) the date of payment of the recovery costs to the owner(s) that being annually within 180 days from and after the close of each fiscal year of the City of Lebanon; and

e) the source of the recovery funds that being 75 percent of the tap fee connection collected by the city as established by this chapter including any amendments thereto and for sewer service connections made within the area defined agreement as provided herein.

(b) Sewer main extension to other areas. (1) The provisions of this part (section 18-401(4)(b)) shall apply to all areas to which the preceding part (section 18-401(4)(a)) is not applicable.

(2) For sewer main extension under this part (section 18-401(4)(b)), there is hereby established a capacity fee of two thousand dollars ($2,000.00) per equivalent single family unit (SFU) of flow on all new connections where public sewer does not exist in the development of new or enlarged residential or commercial or industrial improvements which may use or require or are designed to use or require forty thousand (40,000) gallons of water per month. An SFU is defined as three hundred and fifty (350) gallons per day usage.

(3) The capacity fee of two thousand dollars ($2,000.00) per SFU is distinguished from and collected in addition to the tap fees set forth in section 18-401.

(4) The capacity fee established in this section shall be due and payable upon approval of the cost required herein and is a prerequisite to such approval. The applicant shall be entitled to a credit against the capacity fee for the value of the facilities installed and conveyed to the city to the extent of fifty per cent (50%) of the value of such facilities required to be constructed by the city, but which facilities in excess of the facilities actually necessary for the developer's development. Provided, however, that in no event shall the credit allowed herein exceed fifty per cent (50%) of the capacity fee computed in conformity with section 18-401(4) herein and in no event shall the applicant be entitled to credit to an extent greater than the value of the improvements.

(5) Upon approval of the application, the developer shall enter into a contract with the city. Nothing in this section shall be construed to create any obligation of the City of Lebanon to fund in whole or in part the construction or expansion of the sewer facilities.

(6) The capacity fee for sewer shall be calculated according to the following formula:
CAPACITY FEE FOR SEWER

A. Computation of Capacity Fee before credits, if any
   
   1. Number of equivalent SFU
   
   2. Capacity Fee before credit
      (Line 1 x $2,000.00 for sewer)

B. Computation of Credit for Capacity Fee
   
   1. Total estimated materials and construction cost of all sewerage facilities as determined by city
   
   2. Total estimated materials and construction cost of sewerage facilities actually necessary to serve only the development as determined by city
   
   3. Subtract Line 2 from Line 1 and enter the amount
   
   4. Multiply Line 3 x 50 percent and enter the maximum potential credit
   
   5. Multiply Line 2 of Part A above x 50 percent and enter the amount
   
   6. Enter the smaller of Lines 4 and 5
   
   7. Subtract Line 6 from Line 2 of Part A above and enter the amount of the Capacity Fee after deduction of credit

(c) Variance from and effect of preceding rules as to sewer extensions.

(1) Whenever the City of Lebanon is of the opinion that it is to the best interest of the Lebanon sewer system to construct a sewer extension without requiring strict compliance with section 18-401(4)(a) and (b) above, such sewer extension may be
constructed upon such terms and conditions as shall be approved by resolution of the Lebanon city council.

(2) The authority to make sewer extensions under section 18-401(4)(a) and (b) is permissive only and nothing contained therein shall be construed as requiring the city to make sewer extensions or to furnish service to any person or entity. (1968 Code, § 13-102, as replaced by Ord. #86-541, and amended by Ord. #87-581, Ord. #02-2370, June 2002, Ord. #06-2889, May 2006, and Ord. #06-2953, Aug. 2006)

18-402. Owner to bear all installation and maintenance cost and indemnify city. All costs and expenses incident to the installation and connection to the sanitary sewer main shall be borne by the owner, including the maintenance of the line. The owner shall indemnify and save harmless the city from all loss or damages of any kind that may directly or indirectly be occasioned by the installation, connection, or maintenance of the sewer, including, but not limited to, all damages to persons or property. (1968 code, § 13-304)

18-403. Written permit required for connecting to or using sewer. No unauthorized person shall uncover, make any connection or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit in accordance with section 18-202. (1968 code, § 13-105)

18-404. Purpose of sanitary sewers; prohibited uses. The system of sanitary sewers is for collecting, carrying, and disposing of house sewage, that is the liquid waste from domestic or household and industrial service. It shall be a misdemeanor to use the sewers for any other purpose, or to place or cause to be placed in any sewer any water from rain, surface water, snow or seepage, or any swill, unground garbage, sweepings, ashes, sand, clay, cotton, wool, rags, wearing apparel, oil, grease, rubbish, or other solid matter that may not be promptly dissolved by the sewage. (1968 code § 13-106)

18-405. Sewer service rates. Monthly sewage service charge. For the purpose of funding all reasonable expenses of the operation, repair and maintenance of the Lebanon sewer system and to provide a fund for the payment of principal and interest on bonds and other debts when due, and to maintain an adequate depreciation account, the following rates and charges are hereby established according to water usage per month. These sewerage service charges shall be reviewed annually by the commissioner of finance and revenue of the City of Lebanon and may be modified by ordinance to reflect changing conditions.
(1) **Sewerage charge.** A sewerage service charge shall be paid by the owner or occupant of each occupied lot or parcel of land which may be connected or have access to the Lebanon sewer system and all computations for such charges shall be determined by water metering readings or other appropriate and approved methods of sewage metering.¹

(2) **Provisions applicable to all sewerage customers.** The sewerage service charge is to be shown on the monthly utility bill and will be paid on the due date of the other utilities billed and will be subject to the penalty for delinquent payment as is applicable to the other utilities. If said service charge is not paid as herein set forth, water, gas, and electric services to the customer will be discontinued in addition to other resources the city may have to collect unpaid charges. Inside city customers shall be defined as those persons, firms, or corporations whose location for sewerage service is situated within the corporate limits of Lebanon, Tennessee. State and local sales tax is not included in the rate schedule and will be added when applicable.

By accepting grant fund from the U.S. Environmental Protection Agency, the City of Lebanon has agreed to established and maintain a sewer user charge system in compliance with 40 CFR 35.2140 published February 17, 1984. Accordingly, $.067 per 100 cubic feet as contained within the above sewerage rate schedules that are effective 30 days following passage of this chapter is attributable to the cost of operation and maintenance of the wastewater treatment system. (1968 Code, § 13-103, as replaced by Ord. #87-581; Ord. #88-620; and Ord. #91-859, and amended by Ord. #02-2370, June 2002, and Ord. #06-2946, June 2006)

¹Water and sewer rates (and amendments thereto) are of record in the office of the city recorder.
CHAPTER 5

WASTEWATER DISCHARGE AND TREATMENT

SECTION
18-502. Use of public sewer required.
18-503. Private sewage disposal.
18-504. Building sewers and connections.
18-506. Control of prohibited wastes.
18-507. Wastewater sampling and analyses.
18-508. Industrial self-monitoring requirements.
18-509. Protection from damage.
18-510. Enforcement procedures.
18-511. Permits.
18-512. User charges.
18-513. Industrial waste surcharge.
18-514. Method of billing surcharge.
18-515. Amendments.
18-516. Prevention of surface water in flow and infiltration into the sanitary sewer system.

18-501. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approving authority" shall be the commissioner of public works or a designated representative for the Tennessee Department of Health and Environment.

(3) "Baseline monitoring report (BMR)" A report submitted by categorical industrial users within 180 days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the categorical standard [40 CFR 403.12(b)].

(4) "BOD" of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20 degrees C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods.

This chapter represents ord. 90-800, which repealed in their entireties ords. 83-497 and 84-513.

(5) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories (40 CFR 403.6 and Parts 405-471).


(8) "Commissioner/commissioner of public works" as used in this chapter shall be synonymous with the person designated by the mayor of the City of Lebanon to be commissioner of public works.

(9) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria; plus any additional pollutant identified in a publicly owned treatment works NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants, and, in fact, does remove such pollutants to a substantial degree.

(10) "Control authority" shall mean the superintendent of wastewater treatment plant or the pretreatment coordinator for the City of Lebanon.

(11) "Conventional pollutants." As defined by federal law, those include BOD, TSS, fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(12) "Cooling water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(13) "C" means centigrade degrees.

(14) "Customer" shall mean any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water sewerage services or who are utilizing the water and/or sewerage system of the City of Lebanon.

(15) "EPA" shall mean the United States Environmental Protection Agency.

(16) "Flow proportional composite sample." A sampling method which combines discrete liquids of a sample collected over time, based on the flow of the wastewater being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow (e.g., 200 milliliters (ml) sample collected for every 5,000 gallons discharged). The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

(17) "Garbage" shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
(18) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and without consideration of time.

(19) "Incompatible waste" shall mean all pollutants other than compatible waste as defined within.

(20) "Indirect discharge" means the discharge or introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 USC 1317), into POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(21) "Industrial user" (IU)." A source of nondomestic waste. Any nondomestic source discharging pollutants to POTW.

(22) "Industrial wastewater" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(23) "Interference" shall mean the inhibition or disruption of sewer treatment system processes or operations of which contribute to a violation of any requirement of the city's NPDES Permit.

(24) "May" is permission; "shall" is mandatory.

(25) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the control authority.

(26) "MG/L" shall mean milligrams per liter.

(27) "National pretreatment standards or pretreatment standards." Any regulation promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean water Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTWs. This term includes the prohibited discharge standards under 40 CFR 403.5, including local limits (40 CFR 403.3 (j)).

(28) "Ninety (90)-day compliance report." a report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, 3 that documents and certifies the compliance status of the user (40 CFR 402. 12(d)).

(29) "NPDES Permit" shall mean the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(30) "Pass-through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3(n)).

(31) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or the legal representative, agents or
assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(32) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

(33) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process change or by other means, except if prohibited by 40 CFR Section 403.6(d).

(34) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

(35) "Publicly owned treatment works, or POTW" shall mean a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of Lebanon. This definition includes any sewer that conveys wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment.

(36) "Self-monitoring." Sampling and analyses preformed by the industrial user to ensure compliance with the permit or other regulatory requirement (40 CFR. 12(b) and (g)).

(37) "Sewage" shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(38) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(39) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of Lebanon for sewage disposal purposes.

(40) "Significant industrial user (SIU)" shall include: (1) all categorical industrial users as defined by EPA and (2) any noncategorical industrial user which discharges 25,000 gallons per day or more of process wastewater; or contributes a process wastewater containing 300 lbs. or more of either BOD or Suspended Solids; or has a wastewater discharge with a reasonable potential, in the opinion of the control authority, to adversely affect the treatment works.

(41) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during the normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.
"Significant non-compliance." Criteria used by the control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

"Significant violation"

(a) Wastewater violations

(1) Chronic violations: Sixty-six percent or more of the samples exceed the same limit over a six-month period (any magnitude of exceedance)

(2) Technical review criteria (TRC) violations: Thirty-three percent or more of the samples exceed the same limit by more than the TRC in a six month period

For conventional pollutants
(BOD, SS, & fats, oil & grease) TRC = 1.4 or 40% over the limit

For all other pollutants,

Except pH

(3) Any other violation that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

(4) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction, or attain final compliance by 90 days or more after the schedule date.

(c) Failure to provide required reports within 30 days of the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations which the POTW authority considers to be significant.

"Standard industrial classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"Standard methods" shall mean "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

"Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
(47) "Standard solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration.

(48) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator or the Environmental Protection Agency under the provisions of 33 USC 1317.

(49) "Treatment works" shall mean any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptors sewers, out fall sewers, sewer collection systems, pumping power or other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply such as stand-by treatment units and clear well facilities; and any works, including land that will be integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.

(50) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(51) "User" means any person discharging wastes to the City of Lebanon sewerage facilities.

(52) "Waste" shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(53) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the City of Lebanon sewerage facilities together with any groundwater, surface water, and stormwater that may be present.

Terms not otherwise described herein shall be as adopted in the latest edition of Standard Methods or other appropriate Federal Guidelines and Regulations. (Ord. 90-800)

18-502. Use of public sewer required. 1 (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 Lebanon, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

1Municipal code reference
Similar provision requiring connection to public sewer: sec. 18-201.
(2) It shall be unlawful to discharge to any natural outlet within the City of Lebanon, or any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(5)(a) Any person within the jurisdiction of the City of Lebanon shall be required to connect to the city's sanitary sewer; except in specific cases where the control authority may determine that service to a potential individual user is unduly difficult or expensive and that alternative measures will not be hazardous to public health.

(b) All costs and expenses incidental to the initial installation and connection of a customer to the sanitary sewer system shall be borne by the customer. Such costs shall include, but not be limited to, the installation of a lateral service line from the sewer main to the lot line of the customer.

(c) In all new sewer installations by the City of Lebanon, at the lot line of each customer there shall be installed by the customer a six (6") inch clean out plug. Upon installation of a new service connection, the line from the sewer main to the customer's six (6") inch clean out shall be installed by the City of Lebanon at the owner's expense and shall be the property and maintenance responsibility of the City of Lebanon.

(d) In new sewer installations, the developer or contractor shall install said line and clean out at the developer's expense and said line shall become the property and maintenance responsibility of the city, for any reopening the ditch line, upon acceptance of the facility by the city.

(e) Upon the reopening of any existing sewer service connections, the customer shall install, at the customer's expense, a six (6") inch clean out connection at the property line. All maintenance, repair and installation costs of the sewer service line from the property line or clean out connection located at the customer's property line to the building shall be at the expense of the customer. Maintenance and repair from the clean out to the sewer main or lateral, upon modification, shall be the responsibility of the City of Lebanon. However, responsibility for
a service line spanning and paralleling the right-of-way shall be determined on a case by case basis.

(f) Specifications for the sanitary sewer service line and clean out line shall be determined on a case by case basis by the City of Lebanon, but in no situation involving maintenance or a new sewer installation after April 15, 1994 shall a sanitary sewer service line from the clean out plug located at the property line to the sewer main be less than six (6") inches in diameter. The customer's sanitary service sewer line from the clean out plug located at the customer's property line shall be a minimum of four (4") inches in diameter. Present sewer service lines which are not a maintenance problem and do not meet the above stated specifications shall be permitted to remain until a problem arises either concerning the maintenance of said line and/or inflow and infiltration violations, at which time the requirements stated herein shall be enforced.

(g) The specifications and requirements of this section shall govern all new construction and shall also govern when any repair or maintenance requires replacement of a significant portion of the sewer service line. The customer or property owner may be required by the plumbing inspector to bring the entire existing sewer service line up to the specifications required in this section, if it is necessary to meet the requirements of this code and/or the requirements concerning surface water inflow and infiltration limitations.

(6) Direct service connections made to the city's sanitary sewer system shall be made only by duly authorized and approved agents of the city. No maintenance or installation involving the lateral service line or sewer main shall be initiated without approval by the commissioner of public works or his duly authorized agent and representative. The city may require a reasonable cost deposit or bond to be instituted before any customer or its contractor is allowed to begin work on the public right-of-way concerning any sewer installation and/or maintenance. The cost deposit or bond shall be determined at the discretion of the commissioner of public works or his duly authorized representative and shall be a reasonable deposit or bond based upon the need to protect the roadway and present utility services. The commissioner of public works may waive the requirement for the deposit or bond.

(7) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each
vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the control authority for violation of any provision of this section or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit, in an amount determined by the control authority.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. 90-800, as amended by Ord. #94-1145, §§ 2 and 3, April 1994)

18-503. Private sewage disposal. (1) The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (Ord. 90-800)

18-504. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the control authority.

(2) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify
the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) A separate and independent building sewer shall be provided for every building.

(4) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(6) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the control authority for purpose of disposal of polluted surface drainage.

(8) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M and the W.P.C.F. Manual of Practice No. 9.

(9) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(10) The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(12) All cafes, restaurants, hotels, or food preparation establishments shall install a grease trap on the kitchen waste line. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The
grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be cleaned periodically by the owner or operator of the facility. Failure to make periodic cleanings which results in a stoppage of the city sewer system shall constitute a misdemeanor. If the city employees are required to clean out the city sewer lines as a result of a stoppage due to a clogged grease trap, the property owner or operator shall be further required to pay the costs of the city labor and materials required to clean out the sewer lines.

(13) All existing cafes, restaurants, hotels, or food preparation establishments shall be required to construct a grease trap within 90 days after notification by the city, at the owner's expense, if and when the control authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the city sewer system. The city shall retain the right to inspect and approve installation of the grease trap facility. (Ord. 90-800)

18-505. Prohibitions and limitations on wastewater discharges.  
(1) Prohibitions on wastewater discharges. No person shall discharge or cause to allow to be discharged into the City of Lebanon sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease. Fats, wax, grease or oils or more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the system. Concentrations in excess of these amounts may be discharged only after being granted an exception as described in section 18-513.

(b) Abnormal industrial wastes. Any industrial waste having a biochemical oxygen demand (BOD), suspended solids (SS), or grease content in the excess of that normally found in municipal sewage. For the purposes of this chapter, any waste containing more than 300 mg/l of BOD, and/or having an SS content in excess of 300 gm/l, and/or a grease content in excess of 100 mg/l, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage, and may be discharged in excess of those amounts only after being granted an exception as described in section 18-513.

(c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature of quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over 10
percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Pensky Martens Closed Cup flash point shall not exceed 140 F. degrees. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(d) **Noxious material.** Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(e) **Improperly shedded garbage.** Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(f) **Radioactive waste.** Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(g) **Solid or viscous wastes.** Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(h) **Excessive discharge rate.** Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(i) **Toxic substances.** Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works.
(j) **Unpolluted waters.** Any unpolluted water including, but not limited to, water from cooling systems of stormwater origin, which will increase the hydraulic load on the sewerage facilities.

(k) **Discolored materials.** Waters with objectionable color not removable by the treatment process.

(l) **Corrosive wastes.** Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of (6) to (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(m) **Thermal discharge.** Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees centigrade (104 F). Unless a high temperature is allowed in the user's wastewater discharge permit, no user shall discharge in any sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.6 C (150 F).

(2) **Limitation on wastewater discharges.** (a) It is prohibited to discharge or convey to the public sewer any wastewater containing pollutants of such character or quantity that will:

   (1) Not be amenable to treatment or will interfere with the sewerage plant operations and/or disposal or use of municipal sludge.

   (2) Constitute a hazard to human or animal life as a result of the pollutant passing through the plant to the atmosphere, or to the stream or water course receiving the treatment plant effluent.

   (3) Violate the Federal Pretreatment Standards.

   (4) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Health and Environment Permit, or other applicable receiving water standards.

(b) **Criteria to protect the treatment plant influent.** The City of Lebanon has established and listed herein limitation of the discharge of pollutants to the city's sewerage system.

If the wastewater influent to the treatment plant contains pollutants in excess of the following concentrations, or if the wastes produced create adverse effects, interfere with any wastewater treatment or collection processes, create any hazards in receiving waters or results in the city being in violation of applicable effluent standards, the City of Lebanon shall have the authority to add or modify this list of pollutants as deemed necessary:
<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum* Concentrations (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chromium</td>
<td>0.68</td>
</tr>
<tr>
<td>Lead</td>
<td>0.24</td>
</tr>
<tr>
<td>Nickel</td>
<td>0.74</td>
</tr>
<tr>
<td>Copper</td>
<td>0.55</td>
</tr>
<tr>
<td>Zinc</td>
<td>1.92</td>
</tr>
<tr>
<td>Silver</td>
<td>0.06</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.05</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.01</td>
</tr>
<tr>
<td>Cyanides</td>
<td>0.27</td>
</tr>
<tr>
<td>Phenol (Total)</td>
<td>0.05</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>0.03</td>
</tr>
<tr>
<td>Toluene</td>
<td>0.05</td>
</tr>
<tr>
<td>Methylene Chloride</td>
<td>0.17</td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen (TKN)</td>
<td>45.0</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>100</td>
</tr>
<tr>
<td>BOD (5-day)</td>
<td>**</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>**</td>
</tr>
<tr>
<td>Temperature</td>
<td>104 F.</td>
</tr>
</tbody>
</table>

* Values listed are based on 24-hour flow proportioned sample. Grab samples shall not exceed the values listed times 24 hours divided by the hours of discharger/industry operation per work day.

** Not to exceed 300 mg/l unless by permit. (Ord. 90-800)

18-506. **Control of prohibited wastes.** (1) **Regulatory actions.** If wastewaters containing any substance in excess concentrations as described in 18-505 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Lebanon or to any sewer system tributary thereto, the control authority shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.
(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the control authority.

(c) Require pretreatment including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of Lebanon, plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharges of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations and additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the control authority so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

(5) Right of entry. Agents of the City of Lebanon, the Tennessee Department of Health and Environment (TDHE), and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing. (Ord. 90-800)

18-507. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the preceding standards in section 18-505(1) and 18-505(2)(a) are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the
examination of all industrial wastes shall be those set forth in 40 CFR Part 136 or equivalent methods approved by EPA. The frequency and duration of the sampling of any industrial waste shall be determined by the control authority.

(2) **Control manhole.** All significant industrial users shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 90-800)

18-508. **Industrial self-monitoring requirements.** In order to effectively administer and enforce the provisions of these regulations, the control authority shall require any discharger to comply with any or all of the following requirements:

(1) **Discharge reports.** The control authority shall require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. These discharge reports must be retained by the industry and be available to either the city, state or federal agencies upon request for a period of three (3) years.

(2) **Monitoring programs.** The control authority shall require of SIU's such technical or monitoring programs, including the submission of periodic reports, at a minimum of two times a year, reports being due on or before March 15th and September 15th, more frequent if the situation warrants. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the control authority.

The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharge may either:

(i) Conduct his own sampling and analysis program provided he demonstrates to the control authority that he has the necessary qualifications and facilities to perform the work; or

(ii) Engage a private laboratory, approved by the control authority. Should an industry be found in violation of the discharge limits, the control authority has the right to set up sampling and/or metering devices on the industry's property. If an analysis by the control authority confirms a violation of the discharge permit, the industry shall be financially responsible and shall pay all damages including sampling and analytical costs.

(a) All significant industrial users (SIU) are required to submit periodic self-monitoring reports [40 CFR 403.12(e)]:


(1) SIU's shall submit to the POTW, at least twice a year, reports which, at a minimum, describe the nature, concentration and flow of pollutants which are limited by the POTW [403.12(e) and (h)].

(2) If sampling performed by an SIU indicates a violation, the SIU shall notify the POTW within 24 hours of becoming aware of the violation. The SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation [403.12(g)(2)].

(3) A SIU that monitors any pollutant more frequently than required by the POTW shall include the results of the extra monitoring in the reports.

(4) The self-monitoring reports shall include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(5) The self-monitoring reports shall be signed, as follows:

(a) If the SIU is a corporation, the responsible corporate officer is a president, secretary, treasurer or vice-president in charge of the principal function, or any other person who performs similar policy or decision-making functions or the manager at one or more facilities employing more than 250 persons or having gross annual sales or expenditures exceed $25 million (1980 dollars) if such authority to sign documents has been delegated in accordance with corporate procedures.

(b) By a general partner or proprietor if the SIU is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representative of the individual in (a) or (b) above if: (1) the authorization is made in writing; (2) the authorization specified either an
individual or a position having responsibility for the overall operation of the facility and (3) the written authorization is submitted to the POTW (40 CFR 403.12(1)].

(3) **Trade secrets.** When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, or other document, shall be available for use by the city or the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Information and data about industrial wastewater shall not be considered to be secret information.

18-509. **Protection from damage.** (1) 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 applicable state law. (Ord. 90-800)

18-510. **Enforcement procedures.** (1) **Notification of violation.** Whenever the control authority finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the control authority or his agent may serve upon said user written notice of the violation. Within five (5) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the control authority. Submission of his plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(2) **Penalties.** (a) Discharge of wastewater in any manner in violation of this chapter or any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein.

(b) Violations of this chapter and previous amendments thereto shall include but not be limited to the following violations:

1. Violates an effluent standard or limitation;
2. Violates the terms or conditions of a wastewater discharge permit;
3. Failure to complete a filing or report requirements;
4. Failure to perform or properly report any required monitoring;
5. Violates a final order or determination of the City of Lebanon acting as prescribed in this chapter including amendments thereto;
(6) Fails to pay any established sewer service charge or industrial waste surcharge or recovery charge;

(c) Whenever the control authority determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this chapter, the user's wastewater discharge permit, or any other applicable law or regulation, the control authority shall notify the user of such violation. Failure of the control authority to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(d) The control authority may, but shall not be required, to invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. If the user and the control authority can agree to appropriate remedial preventive measure, they shall commit such agreement to writing with provisions of a reasonable compliance schedule and the same shall be incorporated as supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within thirty (30) calendar days, the control authority shall institute such other actions as deemed necessary to ensure the user's compliance with the provisions of this chapter or other law or regulation. Such action may include the following:

(1) The commissioner shall assess a civil penalty to any person or user who is found to have willfully or negligently violated the provisions of this chapter including amendments thereto or a condition of any wastewater discharge permit issued in accordance with this chapter including amendments thereto. Such civil penalty may be assessed up to any amount not to exceed $1,000 dollars per day after a notice of violation with civil penalty. Upon receipt of a written request within 14 days of the assessment of the civil penalty, the commissioner of public works shall convene a hearing, at which time the entity charged with a violation has the right to be present and represented by counsel and present evidence. At this time the commissioner of public works shall review the civil penalty. Each separate violation shall constitute a separate offense, each day of violation shall constitute a separate offense. Within 14 calendar days of a finding of violation(s) and the assessment of civil penalties resulting from such violation(s), the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. The civil penalties shall be paid within 30 calendar days of the city's board of alderman's decision. Failure to pay the civil penalties shall result in termination of all city utilities.
(2) The control authority may issue a "show cause" notice to the user directing the user to appear before the commissioner of public works at a specified date, time and place to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this chapter, or other applicable law or regulation, or condition in the wastewater discharge permit of the user. If the control authority seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, the control authority shall notify the user of such requirements. If the control authority or commission seeks to suspend or revoke the user's wastewater discharge permit, the control authority shall notify the user of the nature of the violation for which the revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation so occurred. Such notice for a "show cause" shall be mailed to the user by certified mail, return receipt registered, at least twenty (20) days prior to the scheduled hearing date. Within 14 calendar days of issuance of the determination of the show cause hearing, the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

(3) The control authority may cite the user to the city court of the City of Lebanon for violations of any provision of this chapter. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter.

(4) Upon resolution enacted by the Lebanon Board of Aldermen approving same, the control authority shall in the name of the City of Lebanon file in Circuit or Chancery Court of Wilson County, Tennessee or such other court as may have jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of the chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City of Lebanon as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the treatment works or for any other expense, loss or damages of any kind of nature suffered by the City of Lebanon.

(5) Consent orders. The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user
to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 18-510(2)(d)(6) below.

(6) **Compliance order.** When the commissioner of public works finds that an industrial user has violated or continues to violate this chapter or a permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(7) **Cease and desist orders.** When the commissioner of public works finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the control authority may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith

(b) Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3) **Emergency suspensions.** (a) The control authority or commissioner may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The control authority or commissioner of public works shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Termination of Permit are initiated against the user.

(4) **Criminal prosecution.** Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued
hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed fifty ($50.00) per violation per day or imprisonment for not more than thirty (30) days or both.

Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plans or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $50.00 per violation per day or imprisonment for not more than 30 days or both, and also subject to any state and federal penalties. (Ord. 90-800)

18-511. Permits. (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city’s sanitary sewer must obtain a wastewater discharge permit within 60 days after notice from the control authority, and must obtain a permit within 120 days of receiving such notice from the control authority. Application submittal is to be made a minimum of 30 days prior to the date that requested sewerage service is required.

(2) All persons within the city’s area of jurisdiction, who intend to provide septic tanks for sewage disposal, shall make written request to the control authority for a septic tank permit. Upon receipt of the written request, the control authority shall determine whether the applicant is unable to connect to the city’s system; if so, the permit may be granted, conditioned upon the approval by the Tennessee Department of Health and Environment and proper installation. The city shall retain the right to inspect and approve installation of the septic tank.

(3) Permit application. Industrial users seeking a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;

(b) Volume of wastewater to be discharged;

(c) Wastewater constituents and characteristics including, but not limited to, those mentioned in 18-505 as determined by a laboratory approved by the control authority;

(d) Time and duration of discharge;

(e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

(g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Number and type of employees, and hours of work;

(j) All Tennessee Department of Health and Environment and Environmental Protection Agency permits required; and

(k) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

(l) The permit application package shall contain 40 CFR 2.203 as published in the Federal Register with such section dealing with confidential information. Any industry requiring information be confidential shall notify the commissioner of public works in writing to that effect. The commissioner will notify the applicant of his decision whether such matter is to be confidential. Within 14 days after the commissioners' decision, an appeal may be made on the commissioners' decision. Such an appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

(4) Permit conditions. Wastewater discharge permit shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer;

(b) The average and maximum wastewater constituents and characteristics;

(c) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation of inspection and sampling facilities;

(e) Pretreatment requirements;

(f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharged as specified by the control authority and, affording the city access thereto; and

(i) Other conditions as deemed appropriate by the control authority to insure compliance with this chapter.

(j) Statement of duration (in no case more than five years);

(k) Statement of non-transferability without, at a minimum, prior notification to the POTW and provisions of a copy of the existing control mechanism to the new owner or operator;

(l) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(m) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(n) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(5) **Duration of permits.** Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the control authority 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

The terms of the permit (a new permit, modifications to an existing permit, or revocation of an existing permit) may be appealed to the control authority. An appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. Such an appeal must be made within 14 days of receipt of a new modified permit or 14 days following the receipt of notice that a permit is to be revoked.

(6) **Transfer of a permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
(7) Revocation of permit. Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations shall be subject to having his permit revoked:
   (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
   (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
   (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
   (d) Violation of conditions of the permit.

The control authority shall notify in writing an industrial user of noncompliance with the term of a permit. Such notification shall detail the nature of such noncompliance. Depending upon the nature of the permit violation, the control authority shall provide the industry up to 30 days to respond to the permit violation. The response to the violation shall, at a minimum, address steps taken or to be taken to prevent a reoccurrence of the violation. If the permit violation is of a nature or if the industry's response is unsatisfactory, the control authority may issue a "show cause" notice to the industry to appear before the commission of public works. The purpose of the "show cause" hearing is to permit the industry to state why their permit should not be modified, suspended or revoked. The decision of the control authority may be appealed as provided in section 18-511(1) - Duration of permits.

(8) Annual publication of significant violations or significant non-compliance. The control authority shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation, as defined in section 18-101(43) of this chapter, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(9) Affirmative defenses. (a) Treatment upsets. (1) Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The reports shall contain:
   (i) A description of the upset, its cause(s), and impact on the discharger's compliance status
   (ii) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored
(iii) All steps taken or planned to reduce eliminate, and prevent recurrence of such an upset.

(2) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the control authority for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment by-passes. (1) A bypass of the treatment system by an industrial user is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damages;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(iii) The industrial user properly notified the control authority as described in section 18-511(9)(b)(2) below.

(2) Industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may required the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in section 18-511(9)(b)(1) above. (Ord. 90-800)

18-512. User charges. (1) User charge shall be the charge levied on all users including, but not limited to, person, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewerage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.
(4) The control authority of the sewerage facilities shall review not less often than every two years the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The control authority shall revise the user charge, if necessary, to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities.

(5) All flow to the sewerage facilities not directly attributable to the users (i.e., infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.

(7) In addition to the other requirements of this section, commercial and industrial users of the sewerage system who use more than 1,000 cubic feet of water per month or have a City of Lebanon Wastewater Discharge Permit shall pay their proportionate share of the costs to operate and administer the industrial pretreatment program. Separate accounting of costs for operation of the pretreatment/industrial waste monitoring and permitting system shall be maintained by the city. After accumulation of 12 months of costs data on an annual basis after that initial 12 months, an industrial waste monitoring and permitting surcharge rate shall be established and each commercial/industrial user who uses more than 1,000 cubic feet of water per month or who has a City of Lebanon Wastewater Discharge Permit shall be levied its proportionate share of the monitoring and program cost. The rate shall be calculated as follows:

<table>
<thead>
<tr>
<th>NON-PERMITTED USERS</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume</td>
<td></td>
</tr>
<tr>
<td>First 200 cubic feet</td>
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<tr>
<td>Next 800 cubic feet</td>
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<tr>
<td>Next 3000 cubic feet</td>
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<tr>
<td>Next 8000 cubic feet</td>
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<td>Next 17000 cubic feet</td>
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<tr>
<td>Next 29000 cubic feet</td>
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<table>
<thead>
<tr>
<th>PERMITTED USERS</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$20/month</td>
</tr>
<tr>
<td>Significant-Conventional</td>
<td>$25/month</td>
</tr>
<tr>
<td>Categorical Industry</td>
<td>$35/month</td>
</tr>
</tbody>
</table>

(Ord. 90-800, as amended by ord. 93-1011)
18-513. Industrial waste surcharge. (1) This section provides a method for industrial users subject to the limitations on wastewater strength parameters listed in section 18-505(2)(b) of this chapter, including amendments thereto, to apply for and receive an exception to the discharge level for one or more parameters.

(2) Applicants for an exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal therefor; provided, however, that the control authority shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the city.

(3) All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city pursuant to section 18-513(4) hereof.

(4) All applications for an exception shall be reviewed by the control authority. If the application does not contain sufficient information for complete evaluation, the control authority shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the control authority to correct such deficiencies. This thirty day period may be extended by the control authority upon application and for just cause shown. Upon receipt of a complete application the control authority shall evaluate same and render a decision within thirty (30) days. The applicant may appeal the decision as provided in section 18-510(2).

(5) The control authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(a) The control authority shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in section 18-505(2)(b) and grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(b) The control authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the U.S. Environmental Protection Agency under the provisions of section 307(a) of the Clean Water Act and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(c) The control authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of the pollutant in the treatment works influent and the design capacity of the treatment works;

(d) The control authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit taking into consideration the
concentration of the pollutant in the treatment works influent and the design capacity of the treatment works;

(e) The control authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to violate any regulation promulgated by EPS under provision of section 405 of the Federal Water Pollution Act.

(f) The control authority may consider the cost of pretreatment of other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception;

(g) The control authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality and quantity of wastewater discharge;

(h) The control authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(i) The control authority may consider the engineering aspects or various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(j) The control authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutant discharge. However, no exception shall be granted if the increased concentration of pollutants in the applicant’s wastewater would have a significant adverse impact upon the operation of the wastewater treatment works;

(k) The control authority shall not grant an exception unless the applicant shall demonstrate to the control authority that the user is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(l) The control authority shall review the application for an exception and may grant the applicant for an exception without a hearing provided that no person, including the applicant, shall object thereto, and provided exception with such conditions are in compliance with the provisions of this section.

(m) In the event that the applicant objects concerning conditions to be imposed upon the applicant, the control authority may conduct a
hearing to further investigate the matter. The control authority shall schedule a hearing within ninety (90) days of the date of the initial decision rendered by the commissioner of public works. The applicant and the control authority shall have the right to present relevant proof by oral or documentary evidence. (Ord. 90-800)

18-514. **Method of billing surcharge.** (1) In instances where exceptions have been duly granted by the control authority for the discharge of extra strength wastewater, the city shall require any person or user discharging substances in strengths greater than those permitted by this chapter to pay any additional costs for expense incurred by the city for transmission and treatment of such substances.

(a) For such permitted exceptions as contained in a duly issued wastewater discharge permit, a monthly surcharge fee for the BOD, suspended solids, and oil and grease will be computed using the formula contained in section 18-514(1)(c) and based on the rates contained in chapter 4 of this title and amendments thereto.

(b) Unless other provisions are included in the user's wastewater discharge permit, the monthly surcharge fee for each parameter (Pa) shall be based on the maximum concentration of the samples taken and analyzed by the city's industrial waste monitoring section times the monthly water consumption of the user as measured by the water meter(s) of the public water system, on the day sampling occurred. All user's involved with the payment of surcharge fees shall provide a sampling manhole in accordance with the requirements of the control authority.

(c) Wastewater surcharge fee formula for BOD, SS, Oil and Grease

\[
\text{Surcharge ($)/P} = (F) \times (TC) \times (Pa-Pm) \times (D)
\]

Surcharge ($) total = Surcharge of BOD + Suspended Solids and Grease

P = Parameter: BOD or Suspended Solids or Grease

F = Flow in millions of gallons per day

TC = Treatment costs per pound of parameter

Pa = Parameter in parts per million

Pm = Parameter, maximum as per section 18-505(1)(b).

D = Number of days in month

Charges for other pollutants will be computed on a case by case basis.

(2) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain industrial wastes discharged to the sewerage facilities contain less than 300 mg/l of BOD, 300 mg/l of SS, or less than 100 mg/l of grease. (Ord. 90-800)
18-515. Amendments. This chapter shall be amended, as necessary, to comply with Federal Regulations. (Ord. 90-800)

18-516. Prevention of surface water inflow and infiltration into the sanitary sewer system. (1) All customer connections to the sanitary sewer system of the City of Lebanon shall be installed and maintained in such a manner as to insure no connection of roof down spouts, exterior foundation drains, or other sources of rain water, surface runoff or ground water shall have access to the building sewer line, unless such connection is approved by the commissioner of public works or his duly authorized representative.

(2) The commissioner of public works and/or his duly authorized representative is hereby directed to implement a program which shall detect and prevent the inflow and infiltration of surface water and rainwater into the sanitary sewer system for the City of Lebanon. The program shall be designed to attain the long-range goal of preventing and stopping inflow and infiltration into the sanitary sewer system. Said program shall be performed in an efficient and orderly manner to detect and define the source of inflow and infiltration, and to assist in a codes enforcement program for the prevention and correction of said inflow and infiltration.

(3) Representatives of the commissioner of public works shall be authorized to perform inflow and infiltration tests upon the sanitary sewer main and any customer sewer line connections, and during said tests, the personnel of the public works department shall be and are authorized to go upon the customer's private property to test the integrity of the customer's sanitary sewer service line and to investigate for possible sources of inflow and infiltration of rainwater and/or surface water. Prior to entering upon private property, the city employees shall notify the customer and/or property owner as to the needed inspection.

(4) Any customer who fails to cooperate with the tests and maintenance program involving the prevention of inflow and infiltration of surface water, shall be in violation of this code section, and shall be subject to the cessation of sewer service and other penalties as provided by the code.

(5) Upon detection of sources of inflow and infiltration of surface water into the sanitary sewer system of the City of Lebanon, the city engineer or sewer collection superintendent shall notify the customer concerning the subject inflow and infiltration, and shall set forth a suggested program of maintenance to prevent the inflow and infiltration, which may include but not be limited to the complete replacement of the customer's sewer service line.

(6) Upon notification to the customer and/or property owner that a surface water inflow and infiltration problem exists concerning the customer's sanitary sewer service line, the customer and/or property owner shall take the necessary steps to stop the inflow and infiltration and said corrective measures shall be accomplished within a reasonable time after written notification to the customer and property owner, but no later than ninety (90) days after the
subject notice, unless an extension of time is granted in writing by the commissioner of public works. Said written notice shall explain the penalties involved and the right of appeal concerning the subject action.

(7) Any sewer customer or property owner who has been notified of rain water and/or surface water inflow and infiltration problems involving the customer's sanitary sewer service line may appeal the decision of the city engineer or sewer collection superintendent, so long as a written appeal request is sent to the commissioner of public works on or before ten (10) days from the receipt of the written notice of violation sent to the customer. Upon receipt of an appeal request, the commissioner of public works shall hold a hearing concerning the subject violation and upon receiving all information and evidence from the city engineer and the aggrieved customer, shall make a decision concerning the required maintenance involving inflow and infiltration. The decision of the commissioner of public works shall be the final decision of the City of Lebanon concerning the requirement and need to prevent surface water and/or rain water inflow and infiltration to the sanitary sewer system. At the discretion of the commissioner of public works a temporary written waiver may be given for the subject violation, however, said waiver may not exceed a period of one hundred eighty (180) days without reapplication and renewal of the subject waiver concerning the code violation. The inflow and infiltration problem shall be repaired within a reasonable time.

(8) All costs which may be incurred by the sewer customer as a direct or indirect result of the need to prevent surface water or rainwater inflow and infiltration into the sanitary sewer system shall be borne by the customer.

(9) The failure of the sewer customer to correct the inflow and infiltration problem within ninety (90) days of the initial notice or from the final ruling of the commissioner of public works after an appeals hearing shall be construed to be a violation under this code section, unless the sewer customer and/or property owner receives a temporary written waiver from the commissioner of public works. If a temporary waiver is granted, the sewer customer or property owner must correct the inflow and infiltration problem within a reasonable time or be subject to penalty.

(10) Sewer customers who are guilty of violating this code section may be penalized, after receipt of proper notice and notification concerning the right of appeal. The penalties may include the cessation of sewer service and/or water service, as provided by Tennessee Code Annotated, § 7-35-201(2). Additionally, the customer may be issued a summons and citation to the city court for a show cause hearing as to why the condition(s) should not be corrected.

(11) Upon a show cause hearing before the city court, any violation of this code section may be penalized by a fine of fifty dollars ($50.00) for each calendar day that the sewer customer remains in violation of the code upon receipt of written notice as described herein.

(12) In the event the commissioner of public works deems it appropriate and to the manifest and best interest of the City of Lebanon for the city
personnel to enter upon private property and repair the customer's sanitary sewer service line to prevent inflow and infiltration into the sanitary sewer system, after timely notice has been provided herein, the City of Lebanon may choose, at its option, to correct the inflow and infiltration problem and submit a bill of costs to the customer and/or property owner. Under this procedure, any costs incurred by the City of Lebanon shall be considered a lien upon the real property receiving sewer service and shall be treated as a property lien upon filing of a notice in the Register's Office Of Wilson County, Tennessee. At its option, the City of Lebanon may enforce said lien by taking any and all necessary litigation steps to sell the property which is subject to the attached lien. (as added by Ord. #94-1145, § 4, April 1994; and amended by Ord. #05-2738, May 2005)
CHAPTER 6

PROPERTY ALONG MADDOX-SIMPSON PARKWAY

SECTION
18-601. Property declared developmental area.
18-602. Special installation and tap fee(s) to be charged.
18-603. Initial special fee in lieu of regular fee.
18-604. Other fees.
18-605. Commercial and/or industrial sewer customers.
18-606. Commercial and/or industrial water customers.
18-607. Payment of fees.
18-608. Minimum fee; definition of commercial and/or industrial business.
18-609. Fee to be charged for all connections.
18-610. Loan agreement.

18-601. **Property declared developmental area.** Property on and along Maddox-Simpson Parkway which is denoted on the attached Exhibit A\(^1\) shall be and is declared to be in a developmental area for installation of water and sewer. (Ord. #94-1209, Sept. 1994)

18-602. **Special installation and tap fee(s) to be charged.** That the customers, businesses and property owners connecting to the sewer line and water line planned for installation from Highway 231 in an eastward direction along Maddox-Simpson Parkway (Exhibit A) shall be charged special installation and tap fee(s) as defined herein for connections of water and sewer service to commercial and/or industrial businesses. (Ord. #94-1209, Sept. 1994)

18-603. **Initial special fee in lieu of regular fee.** The special installation and tap fee(s) defined herein for water and sewer in the noted developmental area shall be charged to those customers which initially connect to the new line for water and sewer service along Maddox-Simpson Parkway as shown in the area denoted in Exhibit A, and said special installation and tap fee(s) shall be in lieu of the regular water tap fee and sewer tap fees which are charged for installation of a customer. (Ord. #94-1209, Sept. 1994)

18-604. **Other fees.** In addition, the customer shall be charged all other capacity fees and/or other fees which are required under the ordinances of the City of Lebanon and said fees shall be paid in addition to the special installation and tap fees stated herein. (Ord. #94-1209, Sept. 1994)

\(^1\)This exhibit is of record in the office of the recorder.
18-605. **Commercial and/or industrial sewer customers.** All sewer customers for commercial and/or industrial businesses who connect to the sewer line in the developmental area shown in the attached Exhibit A shall pay a minimum special installation and tap fee of ten thousand dollars ($10,000.00) for each sewer line tap which services the commercial or industrial business in that area. (Ord. #94-1209, Sept. 1994)

18-606. **Commercial and/or industrial water customers.** All water customers for commercial and/or industrial businesses who connect to the water line in the developmental area shown in the attached Exhibit A shall pay a minimum special installation and tap fee of ten thousand dollars ($10,000.00) for each water line tap which services the commercial or industrial business in that area. (Ord. #94-1209, Sept. 1994)

18-607. **Payment of fees.** The commissioner of public works is authorized to receive said special fees denoted herein either in cash or in like kind where a developer has increased the value of the infrastructure by extensions in the development area at the developer's cost. (Ord. #94-1209, Sept. 1994)

18-608. **Minimum fee; definition of commercial and/or industrial business.** Customers connecting to both water and sewer service in the developmental area shall pay a special fee of a minimum of ten thousand dollars ($10,000.00) for each service. For purposes of definition concerning this chapter, a commercial and/or industrial business shall be and is defined as any business or industrial operation which is classified and allowed under the business and/or industrial zoning for the city of Lebanon, regardless of the present zoning of the property upon which the business and/or industry proposes to build. (Ord. #94-1209, Sept. 1994)

18-609. **Fee to be charged for all connections.** The special installation and tap fees for water and sewer service shall be charged for all connections made along the subject water line and/or sewer line along Maddox-Simpson Parkway and any extensions thereof shown in the developmental area noted on the attached Exhibit A. (Ord. #94-1209, Sept. 1994)

18-610. **Loan agreement.** (1) The City of Lebanon does hereby agree to enter into a loan agreement with the Industrial Park Operations Board for the purpose of receiving monies to develop the infrastructure along Maddox-Simpson Parkway toward the Industrial Subdivision. Said loan agreement shall be subject to repayment from the special installation and tap fees charged under this chapter, and said agreement shall also allow the Industrial Park Operations Board to collect a repayment amount from said fees not to exceed 200% of the original loan amount so long as the monies received from the special fees are
used only for the development of additional sewer/water infrastructure to support industrial and/or commercial development along or in the area of Maddox-Simpson Parkway.

(2) The mayor and commissioner of finance are hereby authorized to enter into a loan agreement with the Industrial Park Operations Board which shall allow the City of Lebanon to receive the sum of one hundred thousand dollars ($100,000.00) for the express purpose of installing sewer and/or water lines along Maddox-Simpson Parkway easterly from Highway 231. (Ord. #94-1209, Sept. 1994)
CHAPTER 7

STANDARD TERMINATION PROCEDURES FOR UTILITIES

SECTION
18-702. Delinquent bills and termination of service.
18-703. Termination hearing.
18-704. Termination of services.
18-705. Post-termination hearing.
18-706. Restriction on termination.

18-701. **Billing.** Bills will be rendered monthly and shall be paid at city hall or other locations designated by the city. Failure to receive a bill will not release the customer from payment obligation or from payment terms. Bills will be placed in the mail 15 days before the due date. The gross amount shall apply after the due date as shown on the bill. If the due date of the bill falls on a weekend or a holiday or day that city hall is closed, the due date shall be extended to the next day on which city hall is open. Payments postmarked by the due date shall receive the discount. (Ord. #91-869, § 1, July 1991)

18-702. **Delinquent bills and termination of service.** If a utility bill remains unpaid after the due date, a notice shall be mailed to the customer giving five (5) days' notice that service will be terminated if the bill remains unpaid. (Ord. #91-869, § 1, July 1991)

18-703. **Termination hearing.** If within said five day period, the customer notifies the city of a dispute in the bill or other reason why service should not be terminated and requests a hearing prior to termination of service, said service shall not be terminated until completion of the hearing process. Said hearing shall be scheduled by the hearing officer within 48 hours, Saturdays, Sundays and holidays excluded, and shall be held at city hall between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday. The hearing officer shall be the supervisor of customer service or his/her designee. A customer requesting a hearing has a right to examine the city's records pertaining to his or her utility accounts and has the right to be represented by counsel or other person to speak on his or her behalf and to testify and present witnesses. The hearing officer will hear the evidence and render a written decision in the presence of the customer. If the customer desires, he may immediately demand an appeal hearing which shall be held within 48 hours,

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1Municipal code reference
Discontinuance of service: section 18-104.
Saturdays, Sundays and holidays excluded. Said appeal shall be heard by the commissioner of finance and revenue or his duly appointed designee in his absence who shall reheat the evidence and render a final decision. Following said final decision, the customer shall have 24 hours to comply with said decision of the appeals hearing officer or suffer termination of utilities. (Ord. #91-869, § 1, July 1991)

18-704. **Termination of services.** The City of Lebanon will not discontinue service to a user for nonpayment of services until:

1. A second notice which serves as a "notice of intention to discontinue service" has been mailed to the user stating that service shall be discontinued unless payment is received within five (5) days.
2. If the user does make payment at this time, a ten dollar ($10.00) service charge will be added.
3. Upon receipt of the cutoff list report the serviceman will proceed to cut off and lock at the meter unless notified by the utility billing department that payment arrangements have been made.
4. Any water/gas service that cannot be locked out must be reported to the utility billing department supervisor.
5. No employee is allowed to collect any monies in the field. All payment must be made at city hall in the billing department.
6. Once payment is received the utility billing department will notify the water/gas department servicemen and water/gas service will be restored.
7. There shall be a reconnection fee of thirty dollars ($30.00) if said reconnection is made during normal working hours of 7:30 A.M. to 4:30 P.M. Payments must be received by 3:30 P.M. in order for service to be restored that day. Otherwise service will be restored the following business day.
8. Utility service will not be restored on any non-working day or during non-working hours unless prior approval from the utility department supervisor or the water distribution/gas manager. Any such authorization will result in a reconnection fee of fifty dollars ($50.00). (Ord. #91-869, § 1, July 1991, as amended by Ord. #06-3013, Nov. 2006, and replaced by Ord. #10-3630, Jan. 2010)

18-705. **Post-termination hearing.** Post-termination hearings shall be handled in the same manner as pre-termination hearings set out above except service need not be restored until conclusion of the hearings and satisfactory financial arrangements have been made. (Ord. #91-869, § 1, July 1991)

18-706. **Restriction on termination.** If it becomes necessary to terminate utility services under these regulations, such services shall not be terminated if the ambient temperature is below 32 degrees F.

Termination shall be postponed until the next appropriate time when such weather conditions do not exist. (Ord. #91-869, § 1, July 1991)
TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.
3. STANDARD TERMINATION PROCEDURES FOR UTILITIES.
4. UTILITY TERMINATION PROCEDURES FOR CUSTOMERS ON LIFE SUPPORT DEVICES.

CHAPTER 1

ELECTRICITY

SECTION
19-102. Electrical deposit required.
19-103. Point of delivery.
19-104. Customer's wiring-standards.
19-105. Inspections.
19-106. Underground service lines.
19-108. Right of access.
19-110. Discontinuance of service by the electric department.
19-111. Electric reconnection service fee.
19-112. Termination of contract by customer.
19-113. Temporary electric service fees.
19-114. Interruption of service.
19-115. Voltage fluctuations caused by the customer.

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Charter references
Commissioner public works--appointment, powers etc.: Art. III, §§ 2 and 14; Art. V, § 5; Art. VIII.
Utilities--administration and operation: Particularly Art. II and XII.

Municipal code references
Building and utility codes: title 12.
Prohibition on providing utility sewers to condemned structures: § 12-603.
Rates and sewer service: title 18.

Charter references
Utilities: Arts. II, VIII and XII.

Municipal code reference
Electrical code: title 12, ch. 4.
Fire code: title 7, ch. 2.
19-101. **Application for service.** Each prospective customer desiring electric service may be required to sign the electric department's standard form of application for service or contract before service is supplied by the city. (1968 code, § 13-201)

19-102. **Electrical deposit required.** A deposit or surety bond will be required of each electrical customer prior to the time electrical service is supplied to the customer. The following schedule will be used in setting the amount of the cash deposits:

(1) Residential customers owning the residence, and
   (a) Heating with electricity $50.00, or
   (b) Heating without electricity $50.00

(2) Residential customers renting the residence, and
   (a) Heating with electricity $75.00, or
   (b) Heating without electricity $50.00.

(3) Commercial or industrial customers $2.50 per amp rating at the main disconnect switch.

Should a surety bond be used instead of a cash deposit, the bond will be in an amount double the required cash deposit.

If any electrical customer fails to keep his utilities account current, the city shall have the option to discontinue the customer's electrical service. Should any customer fail to keep his account current, the city shall have at its option, the right to apply the deposit against the customer's account, with any remaining proceeds being forwarded to the customer's last known address.

Upon termination of electrical service, the deposit may be applied by the city against the account or the unpaid bills of the customer, and if any balance remains after such application is made, then the balance shall be refunded to the customer. (1968 code, § 13-202, as amended by ord. 76-428)

19-103. **Point of delivery.** The point of delivery is the point, as designated by the electric department, on the customer's premises where current is to be delivered to his building or premises. All wiring and
equipment beyond this point of delivery shall be provided and maintained by the customer at no expense to the electric department. (1968 code, § 13-203)

19-104. **Customer's wiring--standards.** All wiring of the customer must conform to the electric department's requirements and accepted modern standards, as exemplified by the requirements of the National Electrical Safety Code and the National Electrical Code. (1968 code, § 13-204)

19-105. **Inspections.** The electric department shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any time, and reserves the right to reject any wiring or appliances not in accordance with the electric department's standards; but such inspection or failure to inspect or reject shall not render the electric department liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from accidents which may occur upon the customer's premises. (1968 code, § 13-205)

19-106. **Underground service lines.** Customers desiring underground service lines from the electric department's overhead system must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by the electric department on request. (1968 code, § 13-206)

19-107. **Customer's responsibility for electric department's property.** All meters, service connections, and other equipment furnished by the electric department shall be and remain the property of the electric department. The customer shall provide a space for and exercise proper care to protect the property of the electric department on its premises, and, in the event of loss or damage to such property arising from neglect of the customer to care for same, the cost of the necessary repairs or replacements shall be paid by the customer. (1968 code, § 13-207)

19-108. **Right of access.** The electric department's identified employees shall have access to the customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing, or exchanging any or all equipment belonging to the electric department. (1968 code, § 13-208)

19-109. **Billing.** Bills will be rendered monthly and shall be paid within ten (10) days from date of bill at the office of the electric department. Failure to receive a bill will not release the customer from the payment obligation. Should bills not be paid as above, the electric department may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. The customer shall be notified of his right to a hearing before disconnection if he disputes the reason therefor and requests a hearing by the date specified in the notice. The customer shall have the right to be
represented by counsel at the hearing and to testify and present witnesses on his behalf. When a hearing has been requested, the customer's service shall not be terminated until a final decision has been reached by the hearing officer and the customer is notified of it. Bills paid on or before the final date of payment shall be payable at the net rates, but thereafter the gross rates shall apply, as provided in the schedule of rates and charges. Should the final date for the payment of the bill at the net rates fall on a Sunday or holiday, the business day next following the final date will be held as a day of grace for delivery of payment. Net rate remittances received by mail after the time limit for payment of net rates will be accepted by the electric department if the incoming envelope bears United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto. (1968 code, § 13-209, modified)

19-110. Discontinuance of service by the electric department.¹ The electric department may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The electric department may discontinue service to the customer for the theft of current or the appearance of current theft devices on the premises of the customer. The discontinuance of service by the electric department for any causes as stated in this rule does not release the customer from his obligation to the electric department for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1968 code, § 13-210)

19-111. Electric reconnection service fee. Whenever an electrical customer's service is discontinued, is to be discontinued, or has been discontinued by the electric department for nonpayment, as provided for under this chapter, a reconnection service fee of five dollars ($5.00) will be charged the customer and collected by the electric department before the electric service is or will be restored.

In the event that the reconnection of the electric service should take place or, of necessity, be performed after the normal business hours of the city, the reconnection service fee shall be fifteen dollars ($15.00) and will be charged to and collected from the electrical customer by the electric department prior to the customer's electric service being restored. (1968 code, § 13-211, as amended by ord. 76-430)

¹Municipal code reference

19-110. Discontinuance of service by the electric department.³

19-111. Electric reconnection service fee.
19-112. **Termination of contract by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect, unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of the contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate. (1968 code, § 13-212)

19-113. **Temporary electric service fees.** Customers requiring electrical service on a temporary basis will be required to pay a service fee according to the following schedule.

1. Residential and temporary construction $30.00
2. Commercial, industrial, apartments, and like construction, circuses, carnivals, fairs, and tents. $60.00

Each fee is for single service connection and disconnection and is to cover the costs incidental to the supplying and removing electrical service. Under this fee schedule the customer is to supply the meter base, the meter stand, and other materials necessary to supply electric service. (1968 code, § 13-213, as amended by ord. 76-429)

19-114. **Interruption of service.** The electric department will use reasonable diligence in supplying current, but shall not be liable for a breach of contract in the event of, or for loss, injury, or damage to persons or property resulting from, interruptions in service, excessive or inadequate voltage, single-phasing, or otherwise unsatisfactory service, whether or not caused by negligence. (1968 code, § 13-214)

19-115. **Voltage fluctuations caused by the customer.** Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to the electric department's system. The electric department may require the customer, at his own expense, to install suitable apparatus which will reasonably limit such fluctuations. (1968 code, § 13-215)

19-116. **Additional load.** The service connection, transformers, meters, and equipment supplied by the electric department for each customer have a definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the electric department. Failure to give notice of additions or changes in load, and to obtain the electric department's consent for same, shall render the customer liable for any damage to any of the electric department's lines or equipment caused by the additional or changed installation. (1968 code, § 13-216)

19-117. **Standby and resale service.** All purchased electric service (other than emergency or standby service) used on the premises of the customer
shall be supplied exclusively by the electric department, and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the electric service or any part thereof. (1968 code, § 13-217)

19-118. **Notice of trouble.** The customer shall notify the electric department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, should be confirmed in writing. (1968 code, § 13-218)

19-119. **Non-standard service.** The customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. (1968 code, § 13-219)

19-120. **Meter tests.** The electric department will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. The electric department will make additional tests or inspections of its meters at the request of the customer. If tests made at the customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill, and the testing charge will be paid by the customer. The charge shall be $3.25 for a regular meter and $8.50 for a demand meter. In case the test shows the meter to be in excess of two percent (2%) fast or slow, an adjustment shall be made in the customer's bill over a period of not over thirty (30) days prior to the date of the test, and the cost of making the test shall be borne by the electric department. (1968 code, § 13-220)

19-121. **Relocation of outdoor lighting facilities.** The electric department shall, at the request of the customer, relocate or change existing electric department-owned equipment. The customer shall reimburse the electric department for such changes at actual cost, including appropriate overheads. (1968 code, § 13-221)

19-122. **Billing adjusted to standard periods.** The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one (1) month. In the case of the first billing of new accounts (temporary service, cotton gins, and other seasonal customers excepted) and final billings of all accounts (temporary service excepted) where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1968 code, § 13-222)
19-123. **Scope.** This chapter is a part of all contracts for receiving electric service from the electric department, and applies to all service received from the electric department, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of the provisions in this chapter, together with a copy of the electric department’s schedule of rates and charges, shall be kept open to inspection at the offices of the electric department. (1968 code, § 13-223)

19-124. **Conflict.** In case of conflict between any provision of any rate schedule and the provisions in this chapter, the rate schedule shall apply. (1968 code, § 13-224)

19-125. **Tampering with electric meters, etc.** It shall be unlawful for any person to tamper with, or interfere with, the operation of any electric meter through which electricity is supplied by the City of Lebanon, Tennessee, or in any way to tamper with or interfere with any of the electric facilities of the city or to make improper connections thereto so as to evade, or attempt to evade, the payment of lawful service and connection charges to the city.

Any person tampering with or interfering with the electric facilities of the city shall be presumed to have done so with the intent to evade or attempt to evade the payment of lawful service and connection charges to the city. (1968 code, § 13-225)

19-126. **Electrical safety.** All electrical construction, both temporary and permanent, shall comply with the requirements of the National Electrical Safety Code and the current National Electrical Code, and shall be installed in a manner compatible to safety and conducive to the public welfare of the citizens of Lebanon, Tennessee. No temporary construction shall be installed in a manner which shall present a safety hazard to the public or construction workers. (as added by Ord. #95-1381, § 1, Nov. 1995)
CHAPTER 2

GAS

SECTION
19-201. Definitions.
19-202. Application for service; extension policies.
19-203. Deposit required.
19-204. Application of deposit.
19-205. Service charges.
19-206. Higher deposit required of certain delinquent customers.
19-207. Waiver of deposit.
19-208. Point of delivery.
19-209. Customer's piping and installation standards.
19-210. Inspections.
19-211. Customer's responsibility for city's property.
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19-220. Billing adjusted to standard periods.
19-221. Rate schedules for gas service.
19-222. Applicability of chapter.
19-223. Tampering with gas meters, etc.

19-201. Definitions. As used in this chapter: (1) "Gas department" means the Lebanon Gas Department, engaged in the operation of the Lebanon Natural Gas Distribution System.

(2) "Commercial or industrial consumers" means and includes all consumers of natural gas from the gas department who consume gas in the conducting or operation of a business or factory, and including but not limited to institutions such as clubs, fraternities, orphanages, recognized rooming or boarding houses, the space in an apartment or other residential building primarily devoted to use as an office or studio for professional or other gainful

1Charter reference
Utilities: Arts. II, VIII and XII.
Municipal code reference
Gas and plumbing codes: title 12.
purposes, or any building or buildings containing more than one (1) dwelling unit, which does not provide separate metering for each unit.

(3) "Residential consumers" means those customers who consume gas from the gas department in a single private dwelling, with household appliances for the personal comfort and convenience of those residing in the dwelling.

(4) When a portion of a private dwelling is used regularly for the conduct of a business which consumes or utilizes gas from the gas department, the gas used in the conduct of the business shall be metered separately from the gas consumed and used in the dwelling house purposes; otherwise the entire premises, both business and dwelling, will be classified as a commercial or industrial consumer, as set forth in this chapter. (1968 code, § 13-301)

19-202. Application for service; extension policies. (1) Each prospective customer desiring gas service from the city must make application for such service at the office of the city engineer and must comply with all pertinent ordinances and rules and regulations established for the operation of the gas department. Fees for gas service lines and other related fees shall be as set out in ordinance No. 94-1255 as amended by ordinance No. 95-1289, and any other ordinance applicable thereto. Service shall be provided for any customer within the city limits, so long as access to a gas main is economically feasible. Main extensions outside the city limits shall depend on the economic feasibility of extending the mains as determined by the commissioner of public works and the availability of funds. Any prospective customer so refused has the right to ask the city council to reconsider and rule on the application.

(2) (a) Natural gas service shall be made available to all lots within new subdivisions and residential, commercial and industrial developments by the developer in order to allow homeowners and new owners to choose whether to accept or decline natural gas service to their home or property.

(b) The developer shall choose one (1) of the following options for new residential subdivisions:

(i) The developer will sign an agreement to purchase gas taps for seventy-five percent (75%) of the total lot count and will install a minimum of one (1) natural gas water heater and one (1) natural gas HVAC unit per home. The City of Lebanon Gas Department will cover one-half (1/2) the cost of the ditch opening for the installation of natural gas pipeline and will provide road crossing casings. The city will also furnish and install the pipeline and provide fill material and valves required for the natural gas pipeline ditch. The cost of the installation will be determined by an annual contract price, submitted in the form of a bid, to the office of the City of Lebanon Purchasing Agent.

(ii) The developer will sign an agreement to purchase gas taps for a minimum of fifty percent (50%) of the total lot count. The
developer will only open the ditch for natural gas pipeline and road crossing casings. The City of Lebanon Gas Department shall furnish and install the pipeline and provide fill material and valves required for the closure of the natural gas pipeline ditch.

(iii) If the developer does not agree to purchase gas taps for fifty percent (50%) of the total lot count, the developer shall open and close the ditch for natural gas pipeline and road crossing casings. The City of Lebanon Gas Department shall furnish and install the pipeline and provide fill material and valves required for the closure of the natural gas pipeline ditch.

(c) The developer shall be responsible for any backfill material required for the road crossing casings. (1968 code, § 13-302, as replaced by Ord. #95-1384, § 6, Nov. 1995, and Ord. #08-3340, May 2008)

19-203. Deposit required. (1) Before natural gas will be supplied by the gas department to a commercial or industrial consumer, the consumer shall, in addition to conforming to all the other rules and regulations pertaining to consumers of natural gas from the gas department, be required to deposit a security deposit, or guarantee, in the sum of twenty-five dollars (25.00).

Governmental institutions and recognized religious organizations are exempt from the above deposit requirements.

(2) Before natural gas will be supplied by the gas department to a residential consumer, the consumer shall, in addition to conforming to all the other rules and regulations pertaining to consumers of natural gas from the gas department, deposit a security deposit, or guarantee, in the sum of fifteen dollars ($15.00).

(3) The appropriate deposit or guarantee is required for each separate meter regardless of the number of meters provided for a single customer or single premises, except that in cases where two (2) or more meters are connected in parallel to a single installation, the consumption on the separate meters will be combined for billing purposes and one (1) deposit or guarantee will cover all meters on which consumption is combined. (1968 code, § 13-303, as amended by ord. 70-363, § 1)

19-204. Application of deposit. The security deposit or guarantee hereinabove provided for shall be a security or guarantee of the payment of all charges owing or which may become owing to any utility department of the City of Lebanon, Tennessee, by reason of utility service to the customer. After termination of service to a customer, or the discontinuance of service by the gas department in accordance with the rules and regulations established for that department pertaining to discontinuance of service, the deposit or guarantee shall be applied against the unpaid bills, if any, of the customer in the following manner:
19-11

(1) Against the unpaid bill or bills, if any, of the consumer which are owing to the gas department.

(2) In the event there is any balance remaining of the deposit or guarantee after payment of any bill or bills owing to the gas department, the balance shall be applied to the payment of any unpaid bill or bills of the customer which are owing to the water department, after application of any and all security deposits or guarantees made by the consumer to the water department.

(3) If any balance of the deposit or guarantee remains after carrying out the provisions of subsections one (1) and two (2) hereof, then the balance shall be applied to the payment of any unpaid bill or bills, if any, of the consumer which are owing to the electric department, after the application of any and all security deposits made by the consumer to the electric department.

(4) Any balance of the security deposit or guarantee, remaining after satisfaction of subsections one (1), two (2), and three (3) hereof shall be refunded to the consumer. (1968 code, § 13-304)

19-205. Service charges. There shall be a service charge of five dollars ($5.00) for the connection of a consumer where the consumer was the last customer to use natural gas at that particular location, unless service has been discontinued for at least eight (8) months prior to the request for service. No charge shall be made for the connection of a new customer or an old customer moving to a new location. (1968 code, § 13-305)

19-206. Higher deposit required of certain delinquent customers. If during any six-month period, an account is allowed to become delinquent as many as three (3) times, the customer will be required to make a deposit equal, to the nearest five dollars ($5.00), to twice his average monthly gas bill. This provision shall apply to all consumers, with customers within the corporate limits becoming eligible for a refund on the same basis as above. (1968 code, § 13-307)

19-207. Waiver of deposit. Once a customer has established his eligibility for a deposit refund as stated above, he or she will not in the future be required to make a security deposit for natural gas service except under the provisions of section 13-306, or in the event that service is desired at a location without the corporate limits of Lebanon, Tennessee. (1968 code, § 13-308)

19-208. Point of delivery. The point of delivery shall be the point, as designated by the gas department, on the customer's premises where gas is to be delivered to the building or premises. All piping or equipment beyond this point of delivery shall be maintained by the customer. (1968 code, § 13-309)
19-209. Customer's piping and installation standards. All piping and installation of appliances must conform to the gas code as adopted in title 12, chapter 5, in this code. (1968 code, § 13-310)

19-210. Inspections. Before any gas is introduced to any premises, the gas department shall inspect all installations, piping, and appliances which are to be used in the consumption of natural gas. In the event the piping, appliances, or installations do not meet the requirements of this chapter and other pertinent provisions in this code, no gas shall be supplied to the consumer until the deficient piping, appliances, and installations are made to conform to all applicable rules and regulations of Lebanon, Tennessee. In the event of termination of service for any reason to customer or premises, gas shall not again be supplied to the customer or premises until the gas department has made an inspection to determine whether or not the appliances, piping, and installations conform to the pertinent rules and regulations of Lebanon, Tennessee. The gas department shall also have the right to enter upon and inspect gas appliances, installations, and piping at any time it deems necessary to determine whether or not they meet the requirements of the rules and regulations of Lebanon, Tennessee, at such time. The inspections provided for in this section shall not, however, render the gas department liable or responsible for any loss or damage resulting from defects in installation, piping, or appliances, or resulting from violation of the rules and regulations of Lebanon, Tennessee, or from accidents which may occur upon customer's premises. (1968 code, § 13-311)

19-211. Customer's responsibility for city's property. All meters, regulators, service connections, and other equipment furnished by the gas department shall be and remain the property of the gas department. Each customer shall provide a place for and exercise proper care to protect the property of the gas department on its premises. In the event of loss or damage to the gas department property arising from the neglect of a customer to care for it, the cost of necessary repairs or replacement shall be paid by the customer. (1968 code, § 13-312)

19-212. Right of access. The gas department's identified employees shall have access to each customer's premises at all reasonable times for the purpose of reading meters and testing, repairing, removing, or exchanging any or all equipment belonging to the gas department. (1968 code, § 13-313)

19-213. Billing. Bills will be rendered monthly and shall be paid within ten (10) days from the date of the bill at the office of the gas department. Failure to receive a bill will not release the customer from the obligation to pay for gas and services furnished. Should a bill not be paid within the ten-day period, the gas department will thereafter, upon at least five (5) days' written
notice to the customer, discontinue service. The customer shall be notified of his right to a hearing prior to disconnection if he disputes the reason therefor and requests a hearing by the date specified in the notice. When a hearing is requested, the customer is entitled to testify and present witnesses in his behalf and to be represented by council. When a hearing is requested, the customer's service shall not be terminated until a final decision is made by the hearing officer and the customer is notified of that decision. Bills paid on or before the final date of payment shall be payable at the net rate, but thereafter the gross rates shall apply, as provided in the gas rate schedules. Should the final date for payment of the bill at the net rate fall on a Sunday or holiday, the business day next following the final date will be a day of grace for delivery of payment. Net rate remittances received by mail after the time limit for payment of the net rates will be accepted by the gas department if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto. (1968 code, § 13-314, modified)

19-214. **Discontinuance of service.**¹ The gas department will refuse to connect or will disconnect gas service for any violation of this chapter, or for violation of any of the provisions of pertinent rules and regulations established for the guidance and operation of the gas department. The discontinuance of service by the gas department for any cause as stated in this section does not release the customer from his obligation to the gas department for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1968 code, § 13-315)

19-215. **Termination of contract by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect, unless their service contract specifies otherwise. Notice to discontinue service prior to expiration of the contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate. (1968 code, § 13-316)

19-216. ** Interruption of service.** The gas department will use reasonable diligence to provide a regular and uninterrupted supply of gas, but in case the supply of gas is interrupted or disturbed for any cause, the gas department shall not be liable for damages resulting therefrom. (1968 code, § 13-317)

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¹Municipal code reference
Standard termination procedures for utilities: title 19, chapter 3.
Utility termination procedures for customers on life support devices: title 19, chapter 4.
19-217. **Additional load.** The service line, regulator, meter and equipment supplied by the gas department for each customer have definite capacities, and no additional load shall be connected thereto except by consent of the gas department. Failure to give notice of additions or changes in load, and to obtain the gas department's consent for them shall render the customer liable for any damage to any of the gas department's equipment caused by the additional or changed installation. (1968 code, § 13-318)

19-218. **Notice of trouble.** Customers shall notify the gas department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of gas. The notices, if verbal, shall be confirmed in writing at the earliest reasonable time. (1968 code, § 13-319)

19-219. **Meter tests.** The gas department will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy of the meters. The gas department will make additional tests or inspections of its meters at the request of the customer. If tests made at a customer's request show that the meter is accurate within two percent (2%), either slow or fast, no adjustment will be made in the customer's bill, and the testing charge of one dollar ($1.00) per meter will be paid by the customer and shall be included in the next bill sent to the customer by the gas department. In case the test shows the meter to be in excess of two percent (2%), either slow or fast, an adjustment shall be made in the customer's bill over a period of not to exceed thirty (30) days prior to the date of the test, and the cost of making the test shall be borne by the gas department. (1968 code, § 13-320)

19-220. **Billing adjusted to standard periods.** The demand charges and blocks in the gas charges set forth in the rate schedules are based on billing periods of approximately one (1) month. In case of the first billing of new accounts, seasonal customers excepted, and final billing of all accounts where the period covered by the billing involves fractions of a month, the demand charges and blocks of gas charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1968 code, § 13-321)

19-221. **Rate schedules for gas service.** All gas service shall be furnished under such rate schedules as the city adopts from time to time by appropriate ordinance or resolution.¹

¹Administrative ordinances and resolutions are of record in the office of the commissioner of finance and revenue.
19-222. **Applicability of chapter.** These rules and regulations shall apply to all customers receiving gas service from the Lebanon Gas Department, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of the provisions in this chapter shall be kept available for public inspection at the office of the Lebanon Gas Department. (1968 code, § 13-323)

19-223. **Tampering with gas meters, etc.** It shall be unlawful for any person to tamper with, or interfere with, the operation of any gas meter through which gas is supplied by the City of Lebanon, Tennessee, or in any way to tamper with or interfere with any of the gas facilities of the city or to make improper connections thereto so as to evade, or attempt to evade, the payment of lawful service and connection charges to the city.

Any person tampering with or interfering with the gas facilities of the city shall be presumed to have done so with the intent to evade or attempt to evade the payment of lawful service and connection charges to the city. (1968 code, § 13-324)
CHAPTER 3

STANDARD TERMINATION PROCEDURES FOR UTILITIES

SECTION
19-301. Billing.
19-302. Delinquent bills and termination of service.
19-303. Termination hearing.
19-304. Termination of services.
19-305. Post-termination hearing.
19-306. Restriction on termination.

19-301. **Billing.** Bills will be rendered monthly and shall be paid at city hall or other locations designated by the city. Failure to receive a bill will not release the customer from payment obligation or from payment terms. Bills will be placed in the mail 15 days before the due date. The gross amount shall apply after the due date as shown on the bill. If the due date of the bill falls on a weekend or a holiday or day that city hall is closed, the due date shall be extended to the next day on which city hall is open. Payments postmarked by the due date shall receive the discount. (Ord. #91-869, § 1, July 1991)

19-302. **Delinquent bills and termination of service.** If a utility bill remains unpaid after the due date, a notice shall be mailed to the customer giving five (5) days' notice that service will be terminated if the bill remains unpaid. (Ord. #91-869, § 1, July 1991)

19-303. **Termination hearing.** If within said five day period, the customer notifies the city of a dispute in the bill or other reason why service should not be terminated and requests a hearing prior to termination of service, said service shall not be terminated until completion of the hearing process. Said hearing shall be scheduled by the hearing officer within 48 hours, Saturdays, Sundays and holidays excluded, and shall be held at city hall between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday. The hearing officer shall be the supervisor of customer service or his/her designee. A customer requesting a hearing has a right to examine the city's records pertaining to his or her utility accounts and has the right to be represented by counsel or other person to speak on his or her behalf and to testify and present witnesses. The hearing officer will hear the evidence and render a written decision in the presence of the customer. If the customer desires, he may

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1Municipal code reference

- Discontinuance of service by electric department: section 19-110.
- Discontinuance of service by gas department: section 19-214.
immediately demand an appeal hearing which shall be held within 48 hours, Saturdays, Sundays and holidays excluded. Said appeal shall be heard by the commissioner of finance and revenue or his duly appointed designee in his absence who shall rehear the evidence and render a final decision. Following said final decision, the customer shall have 24 hours to comply with said decision of the appeals hearing officer or suffer termination of utilities. (Ord. #91-869, § 1, July 1991)

19-304. Termination of services. The City of Lebanon will not discontinue service to a user for nonpayment of services until:

(1) A "Notice of Intention to Discontinue Service" has been mailed to the user stating that service shall be discontinued unless payment is made within five (5) days.

(2) On the day of termination, a reasonable good faith effort has been made to notify the user of the intention to disconnect the service. This effort shall be made by the supervisor of the meter readers or his/her designee. Knocking on the door or ringing the doorbell shall constitute a reasonable good faith effort.

After such notification procedures have been taken and the user does not make payment of his/her arrearage the service will be discontinued.

If the customer does make payment at this time, a $10.00 service charge will be added.

After termination of services for delinquent bills, there shall be a reconnection fee of $20.00 if said reconnection is made during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday thru Friday. Outside said normal working hours the reconnection fee shall be $30.00. (Ord. #91-869, § 1, July 1991)

19-305. Post-termination hearing. Post-termination hearings shall be handled in the same manner as pre-termination hearings set out above except service need not be restored until conclusion of the hearings and satisfactory financial arrangements have been made. (Ord. #91-869, § 1, July 1991)

19-306. Restriction on termination. If it becomes necessary to terminate utility services under these regulations, such services shall not be terminated if the ambient temperature is below 32 degrees F.

Termination shall be postponed until the next appropriate time when such weather conditions do not exist. (Ord. #91-869, § 1, July 1991)
CHAPTER 4

TERMINATION PROCEDURES FOR CUSTOMERS ON LIFE SUPPORT DEVICES

SECTION
19-401. Special meter provided by city.

19-401. **Special meter provided by city.** A customer who requires electricity to drive a life support device will not be disconnected for nonpayment. If full and timely payments cannot be made by the customer, the city will provide a special meter that will supply enough electricity for the device (Service Limiter Adapter - 10 amps).

To qualify for this program, the customer must comply with the following:

1. Provide a doctor's statement that indicates the need for a life support device.
2. Provide a written statement that shows the amount of electricity needed to drive the device.
3. Sign a statement acknowledging that the special meter will only supply enough electricity to support the device.
4. If the device is changed and the new device requires a different amount of electricity, it is the responsibility of the customer to notify the city in writing. (Ord. #91-870, § 1, July 1991)
TITLE 20
LEBANON SIGN REGULATIONS

CHAPTER
1. CITY OF LEBANON SIGN ORDINANCE.

CHAPTER 1
CITY OF LEBANON SIGN ORDINANCE

SECTION
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20-101. Intent and purpose. (1) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the city without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this chapter is enacted to establish regulations governing the display of signs which will:
(a) Promote and protect the public health, safety, comfort, morals and convenience;
(b) Promote aesthetics in the city;
(c) Protect the environment;
(d) Enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;
(e) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
(f) Reduce conflict among signs and lights and between public and private information systems; and
(g) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.

(2) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(a) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area.
(b) The way in which the sign will be read, and whether its size, location, configuration and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.
(c) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element. (as added by Ord. #01-2271, April 2003)

20-102. Definitions. (1) Definitions. For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined in this section shall have the meanings stated within this chapter. Words not defined in this chapter shall have the meaning in Webster's Ninth New Collegiate Dictionary, as revised.

(a) "Abandoned sign, abandonment:" A sign which was erected off-site or on-site in conjunction with a particular use, that use having been subsequently discontinued, regardless of any intent to resume or not to abandoned such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign authorized by these regulations.
(b) "Animation:" A feature of a sign:
(i) Depicting movement, rotation, projection, or other electrical impulses portraying action or creating special effects or a scene; or
(ii) Including scrolling; or
(iii) Displaying video, including but not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holo-graphic displays, etc. Flashing shall not be considered animation. Signs exhibiting animation shall be permitted, legislated, administered and regulated in the same manner and in the same zoning districts in which electronic message center signs are permitted.

(c) "Attached sign:" An attached sign is a sign that is affixed or painted to a wall, building or canopy having a permanent or changeable copy face. Any measurement of frontage shall apply only to the frontage owned or leased and occupied by the applicant but shall not include a common area. However, the property owner of the property or the property owner's tenant designee may use the measurement of the common area for his/her/its attached sign to the exclusion of all other occupants. An attached sign must be attached to the area occupied by the applicant, except the name of the business, trademark, logo, and/or trade name may be on a sign no larger than two (2) square feet attached at or near the street or sidewalk public entrance when the applicant's space in the subject building does not front on the street or sidewalk used as a public entrance; and, provided further that when two (2) or more such tenants and/or businesses utilize this provision, the design and format for all such signs shall be compatible (size, style and color) so as to appear as a commercial complex sign.

(d) "Banners:" A temporary sign made of flexible material designed to attract attention bearing a legend or motto or advertising message.

(e) "Board of Appeals:" Board of Appeals as used in Title 20, Lebanon Sign Regulations, refers to the Lebanon Board of Zoning Appeals.

(f) "Beacon:" Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source: also, any light with one or more beams that rotate or move.

(g) "Building Marker:" Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(h) "Canopy sign:" A sign attached to a vertical side of a canopy. In order for a canopy to qualify for use of a canopy sign, a canopy must
(i) be a free standing canopy;
(ii) cover a minimum of 500 square feet;
(iii) the bottom of the canopy must be a minimum of 12 feet above the ground; and,
(iv) have sides which are substantially vertical to the ground.

A canopy sign must be attached to a side of a canopy and cannot be larger than 50 square feet.

(i) "Changeable copy sign:" A sign where the frame or face is permanently attached and the copy within the frame or on the face may be made different.

(j) "City:" The City of Lebanon, Wilson County, Tennessee.

(k) "City Council:" The City Council of the City of Lebanon, Wilson County, Tennessee.

(l) "Commercial, noncommercial or multitenant complex:" A building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two (2) or more occupancies.

(m) "Commercial, noncommercial or multitenant complex sign:" A ground sign identifying a commercial or noncommercial complex and/or its tenants.

(n) "Commercial sign:" Expression related solely to the economic interests of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

(o) "Convenience sign:" A sign not exceeding two and one-half (2 1/2) square feet in surface area.

(p) "Dilapidation:" When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty (50) per cent of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

(q) "Director:" The Planning Director of the city or his or her designee.

(r) "Directional sign:" A directional sign is a temporary sign located off-site which indicates the direction to a special event such as a program, auction, open house or sporting event.

(s) "Display surface area:" The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background and against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.
"Districts and zone districts:" These are synonymous and are identified and defined in Title 14 of the Lebanon Municipal Code – Planning and Zoning – and referred to as the Lebanon Zoning Ordinance.

"Electronic message center signs:" Any sign conveying computerized changeable messages including but not limited words, pictures, animation, video or designs. This definition includes television, plasma, digital, flat or LED screens, video boards, holographic or liquid crystal displays, fiber optic or other electronic media or technology.

"Enter/Exit sign:" A sign not exceeding eight (8) square feet in surface area and having a maximum height of three (3) feet and a maximum width of four (4) feet directing traffic movement onto and from a zone lot.

"Fence:" A structure functioning as a boundary or barrier usually made of posts, boards, wire or rails.

"Flag signs:" A ground sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

"Flashing:" An image, message frame or text not consistently displayed for four (4) seconds. Animation, which is considered a permitted feature in certain zoning districts, shall not be considered flashing. Scrolling, which is considered animation, shall not be considered flashing.

"Freestanding wall sign:" Any self-supporting sign not attached to a building that is painted on, incorporated in or affixed to a freestanding masonry wall, used primarily as development identification signs containing only the name of the occupant or complex.

"Frontage:" All the building fronting on a street or sidewalk from which public ingress and egress to the building is available. A drive-in window for customers shall satisfy the public ingress and egress requirement. If the building is a commercial, noncommercial, or multi-tenant complex then frontage is measured from the side of the building affording ingress and egress to the public.

"Frontage Road:" A minor street, parallel to and adjacent to an arterial street, whose primary purpose is to provide access to abutting properties.

"Front of building:" Any portion of the building wall containing the main entrance.

"Governmental sign:" A sign erected and maintained by the federal, state, or local government or agency thereof for a governmental purpose. A governmental sign shall not exceed sixty (60) square feet, unless it is a traffic control sign. For the purpose of this chapter a "traffic control sign" is a sign for the purpose of regulating, warning, or guiding
traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

(ee) "Ground level:" The first floor above ground. The ground level floor in a building with two (2) or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in a building with only one (1) story, excluding the basement, extends to the lowest point on the roof on the side to which the sign is attached. When a building is located on a sloping lot and has ground level street frontage on two or more streets, then the building may have two (2) ground level floors, but the ground level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

(ff) "Ground sign:" A sign which is supported by uprights or braces and permanently attached to the ground excluding a temporary pole sign.

(gg) "Height:" See sign height.

(hh) "Highest adjacent grade:" The highest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(ii) "Indirect illumination:" A source of light which is not seen directly.

(jj) "Inflatable signs:" A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

(i) An inflatable stationary sign is anchored in such a fashion that it does not allow it to move.

(ii) An inflatable mobile sign is one that is tethered so that it moves and free floats.

(kk) "Interstate on-site sign:" An on-site ground sign located within a Three Thousand Two Hundred (3,200) foot radius of the center of an interstate interchange or within One Thousand (1,000) feet of the interstate right-of-way. An interstate on-site sign must be a minimum of seventy-five (75) feet and a maximum of one hundred twenty (120) feet above the ground. Any other type of sign attached to the interstate on-site sign support which does not exceed the maximum height for its type of sign shall not be considered in calculating the signage of the interstate on-site sign, but it is subject to regulation by this sign ordinance. Should the applicant be entitled to two or more ground signs, the support of the interstate on-site sign may be used in lieu of a separate ground sign support.

(ll) "Lot:" Lot of record.

(mm) "Lot of record:" A tract of land whose existence, location, boundaries and dimensions have been legally recorded in a deed or plat and filed as a legal record and including any that is filed of record in the Register's Office of Wilson County, Tennessee. If a building sits on two
(2) or more lots, it is considered one (1) lot of record for purposes of this chapter.

(nn) "Lowest adjacent grade:" The lowest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(oo) "Maintenance:" To keep in existing state of repair; preserve from decline; the upkeep of property.

(pp) "Marquee:" Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(qq) "Marquee Sign:" Any sign attached to, in any manner, or made a part of a marquee.

(rr) "Moving sign:" Signs which swing, undulate or otherwise attract attention through the movement of parts or through the impression of movement.

(ss) "Name plaques, address plaques and home occupation identification sign:" An attached sign, not exceeding three (3) square feet of surface area, indicating the name of the occupant, the address of the premises and identification of any legal single business or operation which may exist at the premises.

(tt) "Noncommercial sign:" Any sign that is not a commercial sign. If a sign could reasonably be construed as either commercial or noncommercial, this chapter shall be liberally construed in favor of free speech and the sign shall be construed as noncommercial.

(uu) "Nonconforming sign:" Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter).

(vv) "Occupant:" "Occupant" as used herein in conjunction with a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) is for the purpose of distinguishing one business entity from another unrelated business entity. An "occupant" in a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) may not be related to another business entity which is also an "occupant", except for the fact each business entity is in the same commercial or noncommercial multi-tenant complex. A business entity shall not be considered an occupant for purposes of this sign ordinance when the location is classified commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) if:

(i) the business entity has common partners or ownership with another business entity at that location;
(ii) one business entity is a partner with another business entity at that location;

(iii) any officer or director of one business entity is common with any officer or director of another business entity at that location;

(iv) any officer or director of one business entity is a partner in another business entity at that location.

(ww) "Off-site sign:" An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the same lot of record. The term "off-site sign" shall not include an off-site permanent (billboard) sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate Section 20-124.

(xx) "Off-site permanent (billboard) sign:" A surface on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or zone lot on which the billboard is situated.

(yy) "Overlay district:" A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

(zz) "Parapet:" A vertical false front or wall extension above the roof-line.

(aaa) "Pennant:" A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag or drape, suspended or projecting from a private light pole, perimeter poles or dedicated poles.

(bbb) "Permanent structure:" A structure that is built of materials that would commonly be expected to remain useful for a substantial period of time.

(ccc) "Person:" Any individual, firm, partnership, corporation, company, association or joint stock association and includes any trustee, receiver, assignee or other similar representative thereof.

(ddd) "Pole sign:" A limited use on-site sign which is used for promotional-type advertising temporarily attached to perimeter poles, private light poles, canopy poles or other similar poles, but not including flag poles.

(eee) "Portable sign:" Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for
advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(ff) "Residential Sign:" Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

(gg) "Right-of-way line:" The boundary line or margin of the area adjacent to public streets, roads and highways over which exists an easement or easements or other right to install and maintain public improvements including, but not limited to, over head and underground power lines, telephone lines, water lines, sewer lines, drainage facilities including open ditches and storm water sewers and culverts, regardless of whether the right to construct those public improvements in the area was acquired by grant, by prescription or by exercise of power of eminent domain. The right-of-way line will usually be parallel to the margin of the public street, road or highway but exceptions to this general rule may exist for each separate parcel of real property. This sign ordinance does not superseded any right-of-way requirement of the state.

(hh) "Roof:" the exterior upper covering of the top of a building.

(iii) "Roof sign:" An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

(jj) "R.O.W.:" Right-of-way line.

(kk) "Setback:" The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly from the property line.

(ll) "Sign:" Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting (attached neon tubing), flashing lights, and chasing lights in commercial, industrial, and multi-family zones and/or uses are included in the definition of "sign".

(mm) "Sign area:" The total number of signs and/or display surface areas on any one (1) premises or lot of record or commercial industrial developments and complexes.
"Signable area:" The total number of signs and/or display surface areas permitted in this chapter on any one (1) premises or lot of record or commercial industrial developments or complexes.

"Sign Height:" See Section 20-122(2)

"Sign Structure:" The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or v-type or otherwise.

"Size:" Refers to display surface area.

"Streamer:" A series of long, narrow banners, flags or pennants attached to a cord.

"Street Frontage:" The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

"String lighting:" String lighting of rigid or flexible construction used to outline a building structure and used to attract attention for commercial purposes.

"Strip lighting:" Attached neon tubing that is of constant intensity which is placed on the exterior of a building for the purpose of attracting the attention of the general public to any place of business.

"Subdivision, commercial, noncommercial, industrial, or multifamily development identification sign:" A sign located at the entrance utilized to designate a residential subdivision or commercial, noncommercial, industrial or multi-family development.

"Temporary sign:" Any sign which is by reason of construction or purpose to be used for a limited period of time.

"Temporary window sign:" A sign in contact with or within three (3) feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday sign painted on a window for thirty (30) days or less shall be treated as a temporary window sign.

"Theater sign:" A ground sign used for the purpose of advertising motion pictures shown in a theater.

"Traffic sign:" A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.

"Window:" An opening in a wall or door of a building for admission of light that is usually closed by casements or sashes containing transparent material (as glass).

"Window Sign:" Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside
a window or upon the window panes or glass and is visible from the exterior of the window.

(cccc) "Zone Lot:" A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations. (as added by Ord. #01-2271, April 2003, as amended by Ord. #08-3396, Aug. 2008, and Ord. #08-3457, Nov. 2008)

20-103. Administration and enforcement. The chief building official is hereby designated as the enforcement officer for this chapter. In addition to all other authority conferred by statute, ordinance, or resolution, the chief building official and/or his authorized representative shall have the following duties and powers:

(1) Review and issue permits. Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this chapter.

(2) Conduct inspection. Conduct location, footing, and final construction inspections, and to conduct such other inspections of all permanent and temporary signs displayed in the city as necessary to require compliance with the provisions of this chapter.

(3) Issue notices of violation. Issue notices of violation or citation regarding any sign which is found to be in noncompliance with one (1) or more of the provisions of this chapter.

(4) Cause removal of certain signs. After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one (1) or more of the provisions of this chapter.

(5) Administrative interpretation. Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the city.

(6) Maintenance of records. Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variances and appeals. (as added by Ord. #01-2271, April 2003)

20-104. Violations and penalties. (1) Violation and penalty defined. Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation and subject to the penalties hereinafter provided, and each day that such violation continues shall constitute a separate and additional violation for each day. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a sum not to exceed fifty dollars ($50.00) for each violation.

(2) Signs placed in the right-of-way. Signs that exist in a non-conforming status placed in the public right-of-way shall be immediately
confiscated by the city and the owner or responsible party for the sign shall be fined twenty-five dollars ($25.00) for each sign in violation for the signs return, in addition to paragraph(1).

If the sign is not claimed within thirty (30) days, the city may consider it abandoned and destroy same.

(3) Persons subject to penalty. The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided. (as added by Ord. #01-2271, April 2003)

20-105. Appeals. (1) Authority. An appeal may be taken to the Board of Appeals by any person aggrieved by an order, requirement, decision, determination or interpretation of the chief building official and/or his authorized representative acting within the authority of this chapter.

(2) Petition for appeal on decision. (a) Time limitation. An appeal shall be filed within thirty (30) days from the date of the alleged erroneous order, requirement, decision, determination or interpretation. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative bearing.

(b) Filing to be in writing accompanied by documentation. Such appeal shall be filed in writing with the chief building official and shall be accompanied by such documents and information as Board of Appeals may by rule require.

(c) Fee. Each appeal to the Board of Appeals shall be accompanied by a fifty dollar ($50.00) fee to be paid at the time of filing of the appeal.

(d) Transmittal of record. The chief building official shall, at the time of filing an appeal, forthwith transmit to the Board of Appeals all of the documents constituting a record upon which the action appealed from was taken.

(e) Information necessary for appeal. An appeal of alleged erroneous order, requirement, decision, determination or interpretation shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(ii) Decision being appealed.

(iii) Description of the requested appeal.

(iv) Questions to be raised on appeal.

(v) Justification of the requested appeal.
(vi) The location of the building, structure or zoning lot on which the sign is erected, to be erected or affixed.
(vii) If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon of the sign involved.
(viii) A blueprint, ink drawing or photograph of the sign involved.
(ix) Written consent of the owner of the building, structure or property on which the sign is erected or to be erected or affixed.
(x) Such other information as the chief building official may require to determine full compliance with his decision.

(f) Effect of appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the chief building official certifies to the Board of Appeals, after the appeal has been filed with the chief building official, that, by reason of the facts stated in the application, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.

(g) Board of Appeals, public hearing; timing and attendance. The appeal shall be filed forty-five (45) days prior to a public hearing by the Board of Appeals. The board shall set any such appeal for hearing, giving such notice to the public or to the persons concerned as the board deems advisable. The petitioner and chief building official and/or their authorized representatives shall attend those meetings of the Board of Appeals at which an appeal is to be heard.

(h) Board of Appeals determination. Following the hearing of any such appeal, the board may affirm, reverse or modify the action of the chief building official and/or his representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the board on any such appeal shall be final and conclusive.

(i) Effect of board denial. No appeal which has been denied wholly, or in part, by the Board of Appeals, in accordance with the provisions established herein, may be resubmitted for a period of one (1) year from the date of such denial, and then only if there has been significant change in the conditions on which the appeal is being sought and found to be valid by the board.

(j) Maintenance of records. The chief building official shall maintain complete records of all findings of fact and recommendations of the Board of Appeals and all determinations of the board relative to an appeal. All such records shall be open to the public for inspection. (as added by Ord. #01-2271, April 2003)
20-106. Variance condition. (1) Authority to Grant. Where, by reason of extraordinary and exceptional situations or conditions of such parcel of real estate, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Appeals may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided

(a) such relief may be granted without substantial detriment to the public good;
(b) such relief may be granted without substantially impairing the intent and purpose of the sign ordinance, zone plan, and zoning ordinance;
(c) all of the conditions set forth in subsection 20-106(4) "Standards for Variance" are satisfied;
(d) the resolution or motion of the Board of Appeals shall specifically address each of the conditions set forth in 20-106(4) (a) through (d), and explain how each condition was met or satisfied by the evidence. (The applicant has the burden of proof as to each condition);
(e) the provisions of subsection 20-106(2) have been substantially and materially satisfied by the applicant; and,
(f) the request of the applicant does not violate the limitations set forth in subsection 20-129(4).

(2) Petition of variance: (a) Standing. A petition for a variance from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variance is requested.

(b) Information necessary for variance. A variance request shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
(ii) A description of the requested variance.
(iii) Justification of the requested variance.
(iv) The location of the building, structure or zoning lot on which the sign is to be erected or affixed.
(v) If variance involves a ground sign, a site plan of the property involved, showing dimensions of the lot, improvements thereon, accurate placement thereon of the proposed sign.
(vi) A blueprint, ink drawing or photograph of the sign involved.
(vii) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
(viii) Such other information as the chief building official
may require to determine full compliance with this and other
applicable ordinances of the city.

c) Fee. Each variance request to the Board of Appeals shall be
accompanied by a fifty dollar ($50.00) fee to be paid at the time of filing
of the variance request.

(3) Board of Appeals' public hearing, timing and attendance. The
Board of Appeals shall hold a public hearing on a variance request at the next
regular meeting or special meeting called for such purpose following forty-five
(45) days after the filing of an appeal thereof. The petitioner and chief building
official and/or their authorized representatives shall attend those meetings of
the Board of Appeals at which a variance is to be heard.

(4) Standards for variance. It is the intent of this chapter to use
variances only to modify the application of any of the provisions of this chapter
where there are practical difficulties or where unusual hardships may result.
The board shall not grant a variance unless it makes findings based upon
evidence presented to it as follows:

(a) The conditions upon which the petition for a variance is
based would not be applicable generally to other property within the
same district.

(b) If the condition complained of by the appellant is a general
or widespread condition, then a variance shall not be permissible.
Financial factors alone shall not be considered as a basis for granting a
variance.

(c) The alleged difficulty or hardship has not been created by
any person having an interest in the property after the effective date of
this chapter.

(d) The proposed variance will not increase the danger of fire or
endanger the public safety.

(5) Board determination. The board may grant, deny, wholly, in part,
or modify such variance request as it determines appropriate.

(6) Effect of denial. No requested variance which has been denied
wholly or in part by the board in accordance with the provisions established
herein may be resubmitted for a period of six (6) months from the date of such
denial and then only when based on new evidence or proof of changed conditions
found to be valid by the board.

(7) Board revocation. In any case, where a variance has been granted,
and where no work pertinent thereto has been initiated within six (6) months
from the date of the board approval of the requested variance, then, without
further action by either the chief building official or Board of Appeals, such
variance shall become null and void.

(8) Maintenance of records. The chief building official shall maintain
complete records of all findings of fact and recommendations of the Board of
Appeals and all determinations to the public for inspection.
(9) No appeal for prohibited signs. Notwithstanding any provision of this title to the contrary, no appeal shall be allowed and no variance shall be granted for the allowance of any sign otherwise prohibited by the provisions of this title. This section shall have no effect on preexisting signs as discussed in section 1 of ordinance No. 08-3396. (as added by Ord. #01-2271, April 2003, and amended by Ord. #08-3396, Aug. 2008)

20-107. Other remedies. In addition to all other remedies, the city may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter. (as added by Ord. #01-2271, April 2003)

20-108. Conflicting codes and ordinances. If any provision or requirement of this chapter is found to be in conflict with any other provision or requirement of this chapter or of any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the most restrictive shall in all cases apply. (as added by Ord. #01-2271, April 2003)

20-109 – 20-119. (Reserved). (as added by Ord. #01-2271, April 2003)

20-120. Sign permits and fees. (1) Permit and fee required. It shall be unlawful for any person, corporation or association to erect, prepare, alter, relocate or keep within the city any sign or other advertising structure, as defined in this chapter, on a lot of record without first obtaining a sign permit from the building inspections department and paying the permit fee required by this section.

(2) Application for sign permit. Application for a sign permit shall be made upon forms provided by the building inspections department and shall include required information as set forth below:

(a) Name, address and phone number of the owner.

(b) Name, address and phone number of the contractor.

(c) The proposed use of the sign.

(d) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(e) For attached signs a dimensional sketch showing the position of the sign in relation to the building or structure to which it will be attached. The linear footage of the building frontage and signs in existence at the time of the application shall be included. Roof signs shall submit plans to show compliance with the applicable provisions of the adopted Standard Building Code, as amended.

(f) For all ground signs the following information is required: Two (2) dimensional sketches showing the height, shape, and surface area display of the sign, two (2) dimensional sketches of the foundation and structural components (poles) for the sign and two (2) dimensional site plans, showing the location of the sign on the site plan.
The setbacks from the property lines and power lines shall be included, as well as the spacing from other ground sign in existence at the time of application.

<table>
<thead>
<tr>
<th>Height</th>
<th>Design Criteria/Inspection Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0' to &lt;24'</td>
<td>Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. No inspection of foundation required.</td>
</tr>
<tr>
<td>24' to ≤ 40'</td>
<td>Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.</td>
</tr>
<tr>
<td>&gt;40'</td>
<td>Same as 24' to ≤ 40' with the additional requirement that all plans must be sealed by a registered Tennessee engineer certifying that the design is adequate for the local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.</td>
</tr>
</tbody>
</table>

(g) For off-site ground sign scaled site plans showing the same as subsection (f), plus location plans showing spacing of existing off-site permanent ground signs within one thousand (1,000) feet on the same side of the street or interstate highway in both directions.

(h) Before any sign permit can be issued, a copy of the application requesting the electrical permit for the proposed sign must be obtained and filed with sign permit application and filed with the building inspector. A separate electrical permit will not be required if specifically included in any other electrical permit.

All electrical signs shall be manufactured to Underwriter Laboratory (UL) standards and feature the UL label. The UL number will be provided as part of the application information.

(3) Schedule of sign permit fees:

(a) The fee for all signs not exempt from the fee shall be ten dollars ($10.00) plus fifty cents ($0.50) per square foot of surface display.

(b) The fee for strip lighting shall be ten dollars ($10.00) plus twenty-five cents ($0.25) per linear foot.

(c) For the relocation or moving of any sign or sign structure, the fee shall be fifteen dollars ($15.00), except that no fee shall be required if such move is being made in order to comply with this chapter.
where prior to such move the sign was legally nonconforming. To relocate
on a different lot of record the other provisions of this section shall apply.

(4) Location to be marked. Before any sign permit can be issued, the
proposed location shall be marked by stake or chalk line or other similar manner
for location inspection.

(5) Installation. All signs must be installed in compliance with the
applicable provisions of the adopted Standard Building Code, as amended.

(6) Issuance of sign permit. It shall be the duty of the clerk and
inspectors from the Chief Building Official's office, upon the filing of an
application for a permit to erect a sign, to examine such plans and specifications
and other data regarding the proposal to erect or maintain the sign or other
advertising structure, and if it shall appear that the proposed structure is in
compliance with all of the requirements of this chapter and all other laws and
ordinances of the city, the building inspections clerk shall then refer to the
building inspector for location inspection. Upon approval of the building
inspector of the application for sign permit, the building inspections clerk shall
issue the permit.

If it shall appear that the proposed structure is in compliance with all of
the requirements of this chapter and all other laws and ordinances of the city,
he shall then be issued the sign permit within the next three (3) working days.
If the applicant is not in compliance with this chapter, then within the next
three (3) working days the building inspector shall state his refusal to the
applicant.

Upon issuance of the sign permit, the building inspector will examine the
premises for a footing inspection as indicated in Section 20-120(2)(f). It is the
responsibility of the contractor to call the building inspections office at 444-3647
and request said inspection. Construction shall not proceed until inspection is
made. Every effort shall be made to complete the inspection within one (1)
working day of the request.

Final inspections are required to be done by the building inspector upon
installation of the proposed sign. It is the responsibility of the contractor to call
the building inspections office and request a final inspection for the sign. It is
the responsibility of the contractor to call the State Electrical Inspector to
request a final electrical inspection when applicable.

If work authorized under a permit to erect a sign has not been completed
within six (6) months after the date of issuance, the permit shall become null
and void. The issuance of a sign permit shall in no instance be construed as
waiving any provisions of this chapter.

(7) Failure to obtain permit. Failure to obtain a permit prior to
beginning construction shall automatically result in a penalty of double the
permit fee. Failure to obtain an inspection shall automatically result in a
penalty double the permit fee. No additional permits will be issued to an
applicant who has any outstanding penalties.
(8) **Labels to be affixed.** If, upon examination, the building inspector's office determines that a sign has been installed in conformance with the provisions of this chapter, he shall cause a label to be issued bearing the number of the permit and further identifying specifically the sign which the permit authorizes. This label shall then be affixed to the sign by the permittee in a manner so that the permit will be readily visible for inspection purposes. Absence of such a label upon any sign constructed or installed within the municipal limits shall be prima facie evidence of failure to meet the requirements of this chapter.

(9) **Permit revocation.** Permits issued under this chapter shall be valid for the life of the sign approved. However, any permit may be revoked by the chief building official upon his determination that the sign is not in full compliance with the provisions of this chapter. (as added by Ord. #01-2271, April 2003)

**20-121. Districts and zoned districts defined: sign map adopted.** All signs permitted to be constructed, erected and maintained under this chapter shall be permitted only in the designated districts. "District" or "zoned district", when used herein, shall be and mean those areas which are zoned as and identified as such in the Lebanon Zoning Ordinance as amended, and as may be amended hereafter. For further reference and for further identification of the "districts" and "zoned districts", the official zoning map (or sometimes referred to as the zoning atlas) of the city, as amended, and as may be amended hereafter, and which is a part of the Lebanon Zoning Ordinance, is incorporated and adopted herein by reference, as if set forth verbatim. The map or a copy of the same shall be on file for reference for the administration of this chapter in the building inspector's office. (as added by Ord. #01-2271, April 2003)

**20-122. Computation of sign area and power line setbacks.** (1) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(a) When two (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign. When two (2) signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, each such face shall be included in computing the total display surface area of the sign.

(b) The display surface area of an attached sign consisting of word(s), image(s), logo(s) or trademark(s) not enclosed by a box or outline shall be the sum of the area(s) within an imaginary rectangular box around each word, image, logo or trademark, with the size of the box being the area within same, calculated by multiplying the height by the width. The height of the box shall be the vertical distance between the tallest and lowest letter or image, logo, or word; or the distance between
the top and bottom of an image, logo, or trademark which is not part of a word. The width shall be the horizontal distance between the outermost distant letter(s), image(s), logo(s), trademark(s) or combination thereof within a word; or the horizontal distance between the outermost edge of any image, logo or trademark not a part of a word.

(c) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline of any kind shall be the total area of the sign including the background, box or outline.

Example:

| S I G N |

(d) The display surface area of a multifaced sign shall be one-half of the sum of all surface area forming a part of the display.

(2) Sign height measurement: Sign height shall be measured from the ground at the center of the sign to the highest point of the highest element of the sign, excluding any incidental structural element. Notwithstanding any other provision of this chapter, when a sign is located within two hundred (200) feet of a residential zone, the maximum height for the sign shall be sixteen (16) feet. Ground signs shall not exceed the height requirements as set forth in Section 20-126. However, when calculating the minimum height of a sign, the measurement is to the lowest part of the sign face; and, when calculating the minimum height of a canopy, the measurement is to the lowest part of the canopy that is not part of a support.

(3) Clearance from electrical power lines. The closest part of a sign shall not be any closer than eight (8) feet from the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight (8) feet from a conductor not attached to the sign.

As an exception to the foregoing, when the measurement is from the sign to an insulated secondary conductor not exceeding six hundred (600) volts, no portion of the sign may be within eight (8) feet of the insulated secondary conductor measured horizontally, vertically or diagonally.

(4) When

(a) a zone lot is adjacent to a frontage road satisfying the conditions herein, has a minimum of one hundred (100) feet frontage on the frontage road, and the principal entrance to the building faces the major thoroughfare;

(b) the permissible square footage of the signage varies based upon the distance from the street right-of-way;

(c) there is a frontage road substantially parallel to a major thoroughfare, which major thoroughfare is a minimum of four (4) lanes; and

(d) the frontage road right-of-way is adjacent to the major thoroughfare right-of-way, then for the purpose of measuring the distance from the street right-of-way in order to determine the maximum number
of square feet of attached signage, the right-of-way of the major thoroughfare shall be used rather than the right-of-way of the frontage road. When the right-of-way between the frontage road and major thoroughfare is indistinguishable, then the frontage road shall be assumed to have a fifty (50) foot right-of-way and the centerline of the frontage road is presumed to be the center of the frontage road right-of-way for purposes of measurement. (as added by Ord. #01-2271, April 2003)

20-123. Exemptions. (1) Compliance with applicable provisions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. All signs within the city must comply with property line setbacks, electrical setbacks, maintenance provisions and electrical permits and inspections as required by Section 20-120, except for governmental signs which may be zero setback.

(2) Signs exempt from sign permit or permit fee requirements. 
(a) Three (3) flags per zone lot;  
(b) Enter/exit signs 3’ high or less;  
(c) Banners, except a permit without a fee is required for banners in the B-2 Central Business District;  
(d) Convenience signs;  
(e) Traffic signs;  
(f) (reserved)  
(g) (reserved)  
(h) Pennants;  
(i) (reserved)  
(j) Noncommercial permanent signs not exceeding three and one-half (3½) square feet in surface area;  
(k) (reserved)  
(l) (reserved)  
(m) Streamers;  
(n) Temporary signs, except inflatable and portable signs;  
(o) Vehicle signs, except as prohibited in Section 20-124.

(3) Nothing in this section shall favor a commercial sign over a noncommercial sign. A noncommercial message may be displayed on any of the signs or types of signs set forth in subsection (2). (as added by Ord. #01-2271, April 2003)

20-124. Prohibited signs and other regulations. (1) Prohibitions and restriction pertaining to signs, fixtures and supporting features. It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:
(a) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.

(b) A sign or illumination that causes any direct glare into any building other than the building which the sign may be accessory.

(c) Flashing signs are prohibited in all zoning districts.

(d) Roof signs painted on the roof or which extend above the highest point of the roof, except inflatable signs.

(e) Signs placed on or affixed to vehicles and/or trailers which are parked on the R.O.W., public property or private property so as to be visible from a public R.O.W. where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motor vehicles where the sign is incidental to the primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or trailer sign as a sign in circumvention of this chapter.

(f) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.

(g) A sign placed in a R.O.W., except as required by appropriate federal, state, city or county governmental authorities.

(h) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving or fluttering devices. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty (30) days following the opening or start up of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.

(i) Signs which revolve or rotate or use revolving or rotating elements.

(j) Signs incorporating any noisy mechanical devices.

(k) String lighting in a commercial or industrial zone except as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.

(l) Signs displaying obscene matter.

(i) "Obscene" means:
(A) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest:
(B) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct, and,
(C) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
(ii) "Community" means Wilson County, Tennessee.
(iii) "Matter" means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.
(iv) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters.
(v) "Prurient interest" means a shameful or morbid interest in sex.
(vi) "Sexual conduct" means:
(A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or
(B) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.
(m) Temporary signs which violate Section 20-125.
(n) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.
(o) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electric Code, as amended.
(p) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, sidewalk or in any utility and drainage easement except as excluded.
(q) No advertising signs shall be allowed on trash receptacles or benches.
(r) No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached.
(s) The placing of banners across the street right-of-way will be allowed only by permission of the owner of the street right-of-way.
Neon signs are prohibited in all residential zoning districts and on property used residentially, including RP-2 and AG. Neon signs are also prohibited in the B-6 district.

Electronic message center signs in any and all residential districts and the B-1, B-2, and B-6 commercial districts and the AG, OPD and CU special districts. In addition, it shall be unlawful for any existing, approved Planned Unit Development (PUD) with an overlay of B-3 zoning to contain any electronic message center signs unless the subject signs have been permitted by prior action.

Portable signs as defined in Section 20-102(1)

Signs which contain false, misleading or deceptive information.

Signs which are not expressly permitted by this chapter.

Nothing herein shall prohibit non-commercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.

Owner's consent. Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public R.O.W. without the consent of the public authority having jurisdiction over the property is prohibited.

Obstructions. No signs nor any means of supporting or staying such signs shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

Terminated activity. Conforming and non-conforming signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one-hundred eighty (180) days, such sign structure may remain in place for not more than two (2) years from the date the vacancy began.

Illegal signs shall be removed immediately.

Unlawful cutting of trees and shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

Within the R.O.W. of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.

On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing,
the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by his site plan without first obtaining approval of an amendment to the site plan by the Lebanon Municipal Regional Planning Commission.

(c) In any area where such trees or shrubs are required to remain under a permit issued under this or any other chapter of the Lebanon Municipal Code. (as added by Ord. #01-2271, April 2003; and amended by Ord. #04-2632, April 2005, and Ord. #08-3396, Aug. 2008)

20-125. Temporary Signs. The total combined use of the following temporary signs shall not exceed three (3) signs per lot at any given time. The maximum signable area shall not exceed the size set forth below herein. It shall be unlawful to erect or maintain temporary signs in violation of the following:

(1) Banners:
   (a) Number - 2 per lot maximum on-site, except only one is permitted in the B-2 Central Business District.
   (b) Size - 120 sq. ft. combined maximum area display.
   (c) Setback - 5' property line, 8' power lines minimum.
   (d) Height - N/A
   (e) Timing - There shall be no banner attached to a building for more than forty-five (45) days in any calendar year.
   (f) Permit/fee - N/A, except a permit is required for a banner in the B-2 Central Business District, without any fee.
   (g) Method of display - Attached to building or canopy only.
   (h) Zone - All zones except residential/agricultural zones and PUD and B-6 districts.

(2) Directional signs:
   (a) Number - 4 per event off-site, 2 per lot.
   (b) Size - 16 sq. ft. maximum.
   (c) Setback - 5' property line
   (d) Height - 3.5' maximum.
   (e) Timing -
      (i) Erection: 10 days before the event.
      (ii) Removal: 2 days after the event.
   (f) Permit fee - None.
   (g) Zones - All.

(3) Inflatable signs - Stationary:
   (a) Number - 1 per lot maximum on-site.
   (b) Size - N/A
   (c) Setback - 15' property line, 8' power lines minimum plus the distance to its inflated height minimum.
   (d) Height - N/A
   (e) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights.
(f) Permit/fee - Permit & fee required.
(g) Zone – B-4, M-2, and M-3 districts.

4. Inflatable signs - Mobile:
   (a) Number - 1 per lot maximum on-site.
   (b) Size - N/A
   (c) Setback - 15' property line, 8' power lines plus the distance to its extended height minimum.
   (d) Height - 120 feet maximum.
   (e) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights.
   (f) Permit/fee - Permit & fee required.
   (g) Zone – B-4, M-2, and M-3.

5. Pennants:
   (a) Number - 1 every 50 feet of frontage.
   (b) Size - 9 sq. ft. maximum.
   (c) Setback - 5' property line, 8' power lines minimum.
   (d) Height - 35' maximum.
   (e) Timing - N/A
   (f) Permit/fee - N/A
   (g) Zone – B-4, M-2 and M-3 districts.

6. Pole signs:
   (a) Number - 3 per lot maximum on-site.
   (b) Size - 21 sq. ft. maximum.
   (c) Setback - 5' property line, 8' power lines minimum.
   (d) Height - N/A
   (e) Timing - N/A
   (f) Permit/fee - N/A
   (g) Zone – B-1, B-3, B-4, M-2 and M-3 districts.

7. Streamers:
   (a) Number - On-site, 3 linear feet of streamers for every 1 of road frontage maximum.
   (b) Size - N/A
   (c) Setback - 5' property line, 8' power lines minimum.
   (d) Height - 35' maximum.
   (e) Timing - N/A
   (f) Permit/fee - N/A
   (g) Zone – B-1, B-3, B-4, M-2 and M-3 districts.

8. Other temporary signs:
   (a) Number - 3 per lot maximum on-site.
   (b) Size:
      (i) B-1, B-3, B-4, B-5, M-1, M-2, M-3, M-4, and Commercial PUD zones - 64 sq. ft. maximum.
      (ii) Residential, Residential PUD's, CU, OPD and Agricultural zones - 16 sq. ft. maximum.
(c) Height:
   (i) B-1, B-3, B-4, B-5, M-1, M-2, M-3, M-4 and Commercial PUD zones - 12' maximum.
   (ii) Residential, Residential PUD's, CU, OPD and Agricultural zones - 6' maximum.
(d) Setback - 5' property line
(e) Timing - Until 10 days following conclusion of the temporary purpose of which the sign was used.
(f) Permit fee - None.

9) Temporary Realty Signs. Temporary realty signs are limited in size, spacing and number of signs allowed. All Temporary Realty Signs shall be ground signs.

(a) Temporary On-Site Realty Signs
   (i) Temporary Real Estate signs do not require a sign permit.
   (ii) May be located adjacent to each separate street frontage of a lot plus one "Open House" sign, when appropriate.
   (iii) Located entirely within the property to which the sign applies.
   (iv) No illumination allowed.
   (v) Removed within 7 days after deed has been recorded for sale, or a lease signed for the rental or lease of the property. Realtors shall provide copies of such documents to the building official if questions concerning these time frames arise.
   (vi) Signage size is to be a maximum of no larger than fifty-two (52) inches in width and forth (40) inches from top of sign to the bottom of the sign or signs within a single sign frame. This represents size of sign only. This does not represent the height of the sign from the ground to the top of sign.
   (vii) Not larger than 32-square feet and 7-feet high for all other properties, including residential properties larger than one acre, industrial and commercial properties.
   (viii) Special request for signs larger than allowed in these standards may be made to the Board of Zoning Appeals if topographic or other similar considerations should make such allowance necessary.

(b) Temporary Directional Realty Signs
   (i) Temporary directional signs saying "REALTY FOR SALE (OR LEASE)" "HOMES FOR SALE (OR LEASE)" or "LAND FOR SALE (OR LEASE)" shall not exceed 2-square feet in size and shall not exceed 3-feet in height from ground level to top of sign. These temporary directional signs shall only read as stated above and shall not contain realty firm promotional messages. They shall be printed in black or red letters on a white background.
(ii) Two signs will be allowed per intersection at as many intersections as needed to guide consumers to available realty in the community.

(iii) "Open House" signs will be allowed in addition to temporary directional signs, but can be placed no earlier than Wednesday at 12:00 PM and must be removed by Monday at 12:00 PM.

(c) Temporary Auction Realty Signs
   (i) The maximum sign size on the property to be auctioned will be 45-square feet.
   (ii) The sign shall be posted not more than 15 days prior to the event and removed by the day following the event.
   (iii) There will be a limit of 5 directional signs allowed per event. Maximum size of said directional signs will be 32-square feet.
   (iv) Signs shall be no higher than 7-feet from the ground level at any point.
   (v) There may be an unlimited number of 2-square feet directional signs which shall not exceed 3-feet in height from ground level to top of sign allowed not more than 15 days prior to the event and removed by the day following the event.

(d) Prohibited Temporary Realty Signs
   (i) No flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations shall be permitted.
   (ii) No sign shall be posted on a utility pole, telephone pole, fence post, tree, rock or any other natural vegetative material. Exception is the placement of No Trespassing signs on a fence. (as added by Ord. #01-2271, April 2003, and amended by Ord. #04-2632, April 2005)

20-126. On-site permanent sign requirements. (1) Number, signable area of signs and construction. (a) Except as authorized by this section, it shall be unlawful to have more than one (1) ground sign on a zone lot of record or in violation of the regulations set forth herein.

(b) If the zone lot of record has at least one hundred (100) feet of frontage on each of two (2) or more public streets, then there shall be no more than one (1) ground sign along each side of the lot of record bordered by such streets.

(c) An interstate on-site sign is a special type of ground sign defined in section 20-102(1). Should the applicant be entitled to two (2) or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two (2) or more signs provided
(i) each sign is no larger than permitted, (ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign; (iii) no more than two (2) of the signs are above the minimum height for an interstate on-site sign; and, (iv) no more than one (1) ground sign may be located below the maximum height for a ground sign.

(d) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.

(e) When the number of signs listed is greater than one (1), the size set forth shall be for each sign unless otherwise indicated.

(2) Spacing. There shall be fifty (50) feet minimum spacing on the same lot of record for ground signs.

(3) Permitted signs. The following signs shall be permitted in the districts hereafter set forth:

(a) Signs permitted in RR, RS40, RS30, RS20, R-1A, RS15, RS12, R-1, RS6, RP-2, R-2, RM6, Residential PUD's and AG zoning districts (except as noted):

(i) Commercial (except home occupation) and tax-exempt organizations (except churches and schools):

(A) Type - Attached:
Number - 1 per lot maximum.
Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.
Setback - N/A
Height - Ground level floor.
Illumination - Not permitted.

Either (B) or (C) (But not both)

(B) Type - Ground:
Number - 1 per lot maximum.
Size - 40 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum.
Illumination - Not permitted.

(C) Type - Freestanding wall sign.
Number - 1 per entrance.
Size - Letters shall not exceed 24" in height.
Display surfaces - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
   Height - 8' maximum.

(ii) Home occupation:
Type - Attached.
Number - 1 per lot maximum.
Size - 3 sq. ft. maximum.
Setback - N/A
Height - Ground level floor.
Illumination - Not permitted.

(iii) Bed and breakfast homestay and bed and breakfast inn.
(A) Type - Attached.
   Number - 1 per lot maximum.
   Size - 3 sq. ft. maximum.
   Setback - N/A
   Height - Ground level floor.
   Illumination - Not permitted.
Either (B) or (C) (But not both)
(B) Type - Ground.
   Number - 1 per lot maximum.
   Size - 3.5 sq. ft. maximum.
   Setback - 5' property line, 8' power lines minimum.
   Height - 4 feet maximum.
   Illumination - Not permitted.
(C) Type - Freestanding wall sign.
   Number - 1 per entrance.
   Size - Letters shall not exceed 6 inches in height.
   Display surface - 4.5 sq. ft. maximum.
   Setback - 5' property line, 8' power lines minimum.
   Height - 4 feet maximum.
   Illumination - Not permitted.

(iv) Subdivision or multifamily development ID sign:
Either (A) or (B) (But not both)
(A) *Type - Freestanding wall sign (see notation below).
   Number - 2 per development entrance maximum.
   Size - Letters shall not exceed 24" in height.
   Display surface - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.
Illumination - Indirect only.

(B) Type - Ground (see notation below).
Number - 1 per development entrance maximum.
Size - 40 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.
Illumination - Indirect only.

(C) Flag signs:
Type - Ground.
Number - 4 per entrance, 8 flags maximum per development.
Size - 32 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 40' maximum.
Illumination - Indirect only.
Zones – R-2, RM-6 and RP-2 only.

*Notation:

(a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their maintenance and shall maintain in escrow an amount equal to or greater than twenty-five dollars ($25.00) per lot or unit for the maintenance of such sign.

(v) Churches and schools:
(A) Type - Ground.
Number - 1 per lot maximum.
Size - 100 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum.

(B) Type - Freestanding wall sign.
Number - 2 per development entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surfaces - Shall not exceed 40 sq. ft.
(vi) Off-site signs not exceeding 200 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5’ to the front property line and shall not exceed 24 feet in height.

(B) Such off-site shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or . The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(vi) Electronic message center signs are not permitted.

(b) Signs permitted in B-1, B-3, Commercial PUD's, CU and OPD zones:

(i) Commercial and noncommercial uses - Single occupant:

(A) Type - Attached.
   Number - 3 per lot maximum.
   Size - 3 sq. ft. per linear foot or building frontage not to exceed 100 sq. ft. maximum.
   Setback - N/A
   Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Canopy sign.
   Number - 1 per side, 3 maximum.
   Size - 50 sq. feet each, maximum.
   Height - 12' minimum; 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Either (C) or (D) (But not both)

(C) Type - Ground.
   Number - 1 per lot maximum.
   Size - 60 sq. ft. maximum.
   Setback - 5' property line, 8' power lines minimum.
   Height - 8' maximum.

(D) Type - Freestanding wall sign.
   Number - 2 per development entrance maximum.
   Size - Letters shall not exceed 24" in height.
   Display surfaces - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.

(ii) Commercial, noncommercial or multitenant complex:
(A) Type - Ground.
Number - 1 per lot maximum.
Size - 75 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum.
(B) Type - Freestanding wall sign.
Number - 1 per street frontage, maximum of 2.
Minimum street frontage for a second sign shall be 100'.
Size - 75 sq. ft. maximum, not to exceed 125 sq. ft. maximum for both signs.
Setback - 5' property line, 8' power lines minimum.
Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.
(C) Each occupant of a commercial, noncommercial or multitenant complex:
Type - Attached (see definition of "attached sign").
Number - 1 per tenant.
Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.
Setback - N/A.
Height - Not to exceed the parapet wall or roof line, no sign shall be attached to the roof, or a maximum of 18'.
Structures with rear oriented toward an interstate shall be allowed the following additional signage:
Number - 1 per tenant.
Size - A sign the same size as the front or not more than 50 sq. ft., whichever is less.
Setback - N/A.
Height - Not to exceed the parapet wall or roof line, no sign shall be attached to the roof, or a maximum of 18'.
(D) Flag signs:
Type - Ground.
Number - 4 per entrance, 8 flags maximum per lot.
Size - 32 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 40' maximum.
Permitted for all uses this section except (D) below.
(E) Type - Canopy sign.
Number - 1 per side, 3 maximum.
Size - 50 sq. feet each, maximum.
Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 35 feet maximum.

(iii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(iv) Theaters:
Type - Ground.
Number - 1 per lot maximum.
Size - 300 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(v) Electronic message center signs are not permitted, except in the B-3 zone.

(c) Signs permitted in B-2 CBD district:
(i) Commercial and noncommercial uses - Single occupant:

Either (A) or (B) (But not both)

(A) Type - Attached.
Number - 1 per street frontage maximum.
Size - 3 sq. ft. per foot of linear building frontage.
Setback - N/A
Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Freestanding wall sign:
(ii) Each occupant of a commercial or non-commercial multi-tenant complex:

Either (A) or (B) (But not both)

(A) Type - Freestanding wall sign.
Number - 2 per entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surface - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.

(B) Type - Attached (see definition of "attached sign").
Number - 1 per business maximum.
Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. feet maximum.
Height - Ground level floor or 24 feet whichever is higher.

(iii) Off-site signs are not permitted.

(iv) Electronic message center signs are not permitted.

(d) Signs permitted in B-4, B-5, MU, M-1, M-2, M-3 and M-4 districts:

(i) Commercial, noncommercial and industrial development ID sign:

Either (A) or (B) (But not both)

(A) *Type - Ground (see notation below):
Number - One (1) per development entrance maximum
Size - 100 sq. ft. maximum (132 sq. ft. if tenant panel, attraction panel or electronic message center used)
Setback - 5' property line, 8' power lines minimum
Height - 40' maximum.

(B) *Type - Freestanding wall sign (see notation below):
Number - 2 per development entrance maximum.
Size - Letters shall not exceed 24" in height maximum.
Display surface - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum
Height - 8' maximum.

*Notation: (a) The location, height, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars ($25.00) per lot for the maintenance of such sign.

(ii) Commercial, noncommercial or industrial-single occupant:

(A) Type - Attached.
Number - 3 per structure maximum.
Size - 3 sq. ft. per linear foot of building frontage not to exceed:

(A) 100 sq. ft. when the building is located less than 42 feet of the street right-of-way,
(B) 150 sq. ft. when the front of the building is located 42 feet or more but less than 200 feet of the street right-of-way;
(C) 200 square feet when the front of the building is located 200 feet or more but less than 400 feet of the street right-of-way;
(D) 250 sq. ft. when the front of the building is located 400 feet or more but less than 600 feet of the street right-of-way;
(E) 300 sq. ft. when the front of the building is located 600 feet or more but less than 800 feet of the street right-of-way;
(F) 350 sq. ft. when the front of the building is located 800 feet or more from the street right-of-way.

(It is the intent of this chapter that the total aggregate of attached signs for the occupant shall not exceed the foregoing stated applicable maximum footage.) The measurement shall be made from the main entrance door to the street. For this purpose "street" shall mean the street parallel (more or less) to the side of the building containing the main entrance.

(B) Type - Strip lighting.
Size - 3 linear feet of strip lighting per 1 linear foot of building frontage.
Setback - N/A
Height - N/A
Specifications - Required UL approval.
Prohibited on wood.

Either (C) or (D) (But not both)

(C) Type - Ground.
   Number - 1 per lot maximum.
   Size - 200 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100 not to exceed 300 sq. ft. maximum.
   Setback - 5' property line, 8' power lines minimum.
   Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(D) Type - Freestanding wall sign:
   Number - 2 per lot maximum.
   Size - Letters shall not exceed 24" in height.
   Display surfaces - Shall not exceed 75 sq. ft.
   Setback - 5' property line, 8' power lines minimum.
   Height - 8' maximum.

(E) Type - Canopy sign.
   Number - 1 per side, 3 maximum.
   Size - 50 sq. feet each, maximum.
   Height - minimum 12 feet; maximum 24 feet when located within 200 feet of a residential zone, otherwise 40' maximum.

(iii) Flag signs:
   Type - Ground.
   Number - 4 per entrance, 8 flags maximum per lot.
   Size - 32 sq. ft.
   Height - 40' maximum.
   Setback - 5' property line, 8' power lines.

(iv) Commercial or noncommercial multi-tenant complex (separate utilities and firewall between tenants):
   (A) Type - Ground.
       Number - 1 per lot maximum.
       Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.
Setback - 5' from property line and 8' from power lines minimum.
Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Type - Freestanding wall sign.
Number - 1 per street frontage, maximum of 2.
Minimum street frontage for a second sign shall be 100'.
Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.
Setback - 5' property line, 8' power lines minimum.
Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

Type - Attached (see definition of "attached sign").
Number - 2 per occupant maximum
Size - 3 sq. ft. per linear foot of occupant frontage, not to exceed 150 sq. ft. per occupant.
Setback - N/A.
Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Type - Canopy sign.
Number - 1 per side, 3 maximum.
Size - 50 sq. ft. each, maximum.
Height - minimum 12'; 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(B) Type - Ground.
Number - 1 per street frontage, maximum of 2.
Minimum street frontage for a second sign shall be 100'.
Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.
Setback - 5' property line, 8' power lines minimum.
Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

(v) Commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):
(A) Type - Ground.
Number - 1 per lot maximum.
Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.
(A) Each occupant of a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):
Type - Attached (see definition of "attached sign").
Number - 2 per occupant not to exceed 6.
Size - 3 sq. ft. per linear foot frontage, not to exceed 300 sq. ft. per complex to be apportioned by the owner or occupants.
Setback - N/A
Height - 24 feet maximum when located within 200 feet of a residential zone, otherwise 40 feet maximum.
(B) Type - Canopy sign.
Number - 1 per side, 3 maximum.
Size - 50 sq. feet each, maximum.
Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 40 feet maximum.
(vi) Theaters:
Type - Ground.
Number - 1 per lot maximum.
Size - 300 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.
(vii) Interstate on-site signs:
Type - Ground.
Location - Within 3,200' radial to the center of an interchange or within 1,000' of the interstate property line not at an interchange.
Number - 1 per lot of record maximum.
Size - 300 sq. ft. maximum.
Height - 120' maximum, except when the sign is located within 200' of a residential zone the maximum height shall be 24' in height. The minimum height of the bottom of the sign is 75 feet, unless located within two hundred feet (200') of a residential zone.

Setback - 5' property line, 8' power line minimum.

(C) Type - Freestanding wall sign.
Number - 1 per street frontage, maximum of 2.
Minimum street frontage for a second sign shall be 100'.

Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.
Setback - 5' property line, 8' power lines minimum.
Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

(viii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(e) Signs permitted in B-6 Transitional Office district:

(i) Commercial uses - Single occupant
Either A or B (but not both)

(A) Type - Attached
Number - 1 per lot
Size - 1 sq. ft. per linear footage of the building frontage, not to exceed 40 sq. ft.
Setback - NA
Height - Ground level floor
Illumination - Indirect or halo

(B) Type - Freestanding wall sign
Number - 1 per lot
Size - 40 sq. ft.
Setback - 20' or outside of the public utility and drainage easement, whichever is greater.
Height - 6' maximum
Illumination - Indirect or halo
(ii) Commercial uses - Multiple tenants
   (A) Type - Attached
       Number - 1 per tenant
       Size - 1 sq. ft. per linear footage of the building frontage, not to exceed 10 sq. ft. per tenant sign
       Setback - NA
       Height - Ground level floor
       Illumination - Indirect or halo
   (B) Type - Attached
       Number - 1 per lot
       Size - 40 sq. ft.
       Setback - 20' or outside of the public utility and drainage easement, whichever is greater
       Height - 6' maximum
       Illumination - Indirect or halo

(iii) Home occupation:
    Type - Attached
    Number - 1 per lot
    Size - 3 sq. ft. maximum
    Setback - NA
    Height - Ground level floor
    Illumination - Not permitted

(iv) Subdivision development identification sign:
    Type - Freestanding wall sign
    Number - 1 per development entrance maximum
    Size - Display surface shall not exceed 40 sq. ft.
    Setback - 20' or outside of the public utility and drainage easement
    Height - 6' maximum
    Illumination - Indirect or halo
    The location, setback, size and illumination of such signage shall be permitted subject to the approval of the Lebanon Planning Commission. Once approved by the planning commission, all necessary permits and fees shall be obtained and paid.

    The freestanding wall signs are intended to be in well landscaped areas. If there is more than on tenant, or in the case of a subdivision, more than one property owner, a property owner's association should be formed for the maintenance of such signage.

(v) Churches and schools:
   (A) Type - Attached
       Number - 1 per lot
Size - 3 sq. ft. per linear footage of the building frontage, not to exceed 40 sq. ft.
Setback - NA
Height - Ground level floor
Illumination - Indirect or halo

(B) Type - Freestanding wall sign
Number - 1 per entrance to the site
Size - 40 sq. ft.
Setback - 20' or outside of the public utility and drainage easement, whichever is greater
Height - 6' maximum
Illumination - Indirect or halo

(vi) Electronic message center signs are not permitted.

20-127. Off-site permanent (billboard) sign requirements.

(1) Except as authorized by this chapter, no off-site permanent (billboard) sign may be erected on any zone lot of record. The requirements for off-site permanent (billboard) signs are set forth below. Off-site permanent (billboard) signs are permitted as follows:
   (a) Location - M-2 and M-3 zoning districts. Lot on which sign is to be erected must be contiguous with the interstate.
   (b) Height - 50' maximum.
   (c) Size - 775 sq. ft. maximum.
   (d) Setback - 5' minimum from street or interstate property line and 200' maximum from interstate property line
   (e) Spacing - 1,000' minimum to any other off-site permanent (billboard) sign in both directions on the same side of interstate or street. 1,000' minimum of an interchange or intersection at grade, measured along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main-traveled way.
   (f) Electronic message center signs are not permitted.

(2) Nothing in this section shall be construed to limit or curtail noncommercial speech in favor of commercial speech. A person may erect a sign in conformity with this section that is used in whole or part for noncommercial speech. (as added by Ord. #01-2271, April 2003, as amended by Ord. #08-3396, Aug. 2008)

20-128. Sign maintenance and other specifications for erection and maintenance of signs. (1) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained
(2) **Structure maintenance.** Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, electrical connections and components shall be kept in good, safe repair and, unless plastic, shall be galvanized or non-corroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The chief building official and/or his representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter, shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.

(3) **Display surface or other advertising surface maintenance.** The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice to the owner by certified mail, return receipt requested, from the chief building official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the chief building official. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety (90) days.

(4) **Banners, flags, pennants, streamers.** Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice. (as added by Ord. #01-2271, April 2003)

### 20-129. Nonconforming signs and other provisions

(1) **Purpose.** For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the city, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting a positive community appearance as part of a concerted citywide effort to protect and enhance aesthetics of the city for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the over-concentration, improper placement and excessive height, bulk, enlargement, number and area of signs or display of obscene matter. It is intended that outdoor advertising signs be located away from residential areas,
and that such signs be regulated to protect the character of the area wherein signs are located, and to conserve property values in these areas.

(2) **Extension or expansion.** A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this chapter. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height or change in the face panel enclosing members or structures. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.

(3) **Replacement or relocation.** No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign conforms to all applicable provisions of this chapter. Any sign in violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this chapter.

(4) **Area and height.** No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and areas indicated:

(a) Industrial or commercial zones where the sign is more than two hundred (200) feet from residential zones:

(i) **Interstate Highway:**

(A) Interstate on-site:
    Nuisance if: > 345 sq. ft.  
    >138' in height

(B) Off-site:
    Nuisance if: >891 sq. ft.  
    > 58' in height

(C) On-site ground sign:
    Nuisance if: >345 sq. ft.  
    >40' in height

(ii) **4-lane federal aid primary highway:**

(A) Off-site:
    Nuisance if: >480 sq. ft.  
    >58' in height

(B) On-site:
    Nuisance if: >345 sq. ft.  
    >40' in height

(iii) **Other highways and streets:**
    Nuisance if: >345 sq. ft.
(b) Commercial or industrial zones where sign is within two hundred (200) feet from residential zone:
   (i) Interstate Highway:
      (A) Interstate on-site:
          Nuisance if: >345 sq. ft.
          >27' in height
      (B) Off-site:
          Nuisance if: >891 sq. ft.
          >27' in height
      (C) On-site ground sign:
          Nuisance if: >345 sq. ft.
          >27' in height
   (ii) 4-lane federal aid primary highway:
      (A) Off-site:
          Nuisance if: >460 sq. ft.
          >27' in height
      (B) On-site:
          Nuisance if: >345 sq. ft.
          >27' in height
   (iii) Other highways and streets:
      Nuisance if: >345 sq. ft.
      >27' in height
(c) All other zones other than residential zones:
    Nuisance if: >115 sq. ft.
    >27' in height unless flag which may be 35' in height
(d) Residential zones:
    Nuisance if: >69 sq. ft.
    >27' in height unless flag which may be 35' in height

(5) Attached signs. Attached signs in all zones shall be considered a nuisance if they exceed signable area and height as provided in Section 20-126.

(6) Due process hearing. Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (4) unduly restrict his ability to replace or reconstruct a nonconforming sign and that his sign is not a nuisance shall be entitled to a public hearing before the Lebanon Board of Zoning Appeals. Notice of the public hearing will be published in a newspaper of general circulation at least ten (10) days prior to the meeting of the Board of Zoning Appeals. All interested persons shall be entitled to be heard at the public hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign.
(7) Abandoned nonconforming signs. Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of any intent not to abandon or of an intent to reserve the right to use the sign:

(a) An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of two (2) years or more. Copy on the sign indicating the sign is for lease or sale shall not be construed as the display of any advertising message for the purpose of this chapter.

(b) Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of two (2) years or more. (as added by Ord. #01-2271, April 2003)

20-130. Removal of certain signs. (1) Permit requirements. Demolition of any permanent sign or sign structures requires a permit and fee (see Section 20-120) except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.

(2) Notice to remove illegal nonconforming signs. If the chief building official shall find that any sign does not conform to the provisions of this chapter, except for legal nonconforming signs, he shall give written notice to the owner(s), agent or person(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety (90) days after receipt of the notice from the chief building official. Removal of temporary signs shall be effected within two (2) days after posting of notice on the sign or personal contact with owner or lessee. No notice will be given for temporary signs in R.O.W. If such sign is not removed after the conclusion of such period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.

For the purpose of this subsection, the word "remove" shall mean:

(a) The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.

(b) The sign face and supporting structures of "projecting", "roof" or "attached" signs shall be taken down and removed from the property.

(c) The sign face of "painted attached signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

(3) Notice to remove abandoned signs. If the chief building official shall find that any such permanent sign has not been removed within two (2) years otherwise of cessation of its particular use, he shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building
or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the chief building official. If such sign is not removed after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the building or premises on which such sign is located. For the purpose of this paragraph, "removal" shall mean total removal of the sign structure if the sign is nonconforming but if the sign is properly maintained the order to remove shall not be given for another 365 days or one year.

(4) **Notice to remove unsafe signs.** If the chief building official shall find that any sign is unsafe or insecure, or is a menace to the public, he shall be given written notice to the owner, agent, or person having beneficial interest in the building or premises on which such sign is located. Correction of the condition which caused the chief building official to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located. Notwithstanding the foregoing provision, the chief building official is authorized to cause any sign to be removed upon giving reasonable notice under the circumstances at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located, whenever he determines an emergency exists and that such sign is an immediate peril to person or property of others.

(5) **Appeal.** The owner of a nonconforming or abandoned sign which has been the subject of a notice of violation may appeal by filing a notice of appeal pursuant to Section 5 of this chapter no later than ten (10) days after receipt of notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal to the Board of Appeals. Failure to request due process hearing within ten (10) days of the notice will constitute waiver of the right to an appeal when there is a right to a due process hearing.

(6) **Annexation.** Nonconforming signs located in areas annexed into the city shall be subject to the same provisions as nonconforming signs in existence when this chapter was initially passed. The following signs are required to be brought into compliance with these regulations within one-hundred twenty (120) days of the annexation: Temporary signs, flashing, chasing and blinking lights. Signs of this type that exist in a nonconforming status after the time specified shall cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building. (as added by Ord. #01-2271, April 2003)

**20-131. Severability clause.** Each section, subsection, paragraph, sentence, and clause of this ordinance, including any 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 this ordinance shall not affect the validity of any other portion of this ordinance and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #01-2271, April 2003)

20-132. Exercise of Police Power. This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Lebanon, Tennessee, adopted under the authority of section 6-2-201, Tennessee Code Annotated, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes. (as added by Ord. #01-2271, April 2003)

20-133. Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (as added by Ord. #01-2271, April 2003)
21-101. City council empowered to establish and implement rules and regulations; enforcement; violations.

(1) The City Council of Lebanon, Tennessee shall be and is hereby empowered to establish and implement rules and regulations for the operation of Cedar Grove Cemetery.

(2) The commissioner of public works and his agents may enforce said rules and regulations to ensure the uniform maintenance and operation of said cemetery.

(3) Any violations of said rules and regulations may be treated as a violation of the operating and maintenance regulations for the City of Lebanon defined as title 13 of the Lebanon Municipal Code and shall be enforceable by citation to the city court, subject to the appropriate orders of the city court to correct said violation and/or fifty dollar ($50.00) fine for any violation of the subject rules and regulations. (Ord. #94-1124, March 1994, as renumbered by Ord. #01-2271, April 2003)
AN ORDINATION ADOPTING AND ENACTING A CODIFICATION
AND REVISION OF THE ORDINANCES OF THE CITY OF LEBANON,
TENNESSEE.

WHEREAS some of the ordinances of the City of Lebanon are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Lebanon, 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 Lebanon Municipal Code, now, therefore:

BE IT ORDAINED BY THE CITY OF LEBANON, 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 Lebanon Municipal Code, hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the Municipal Code are hereby repealed from and after the effective date of said code, except as hereinafter provided.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the Municipal Code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; 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 therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or any amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the Municipal Code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Municipal Code or other applicable law.

When any person is fined for violating any provision of the Municipal Code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition permits, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day’s hard labor, has fully discharged said penalty.¹

Each day any violation of the Municipal Code continues shall constitute a separate offense.

Section 6. Code as evidence. Any printed copy of the Municipal Code certified under the signature of the commissioner of finance and revenue shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

¹For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-24-101, et seq.
Section 7. **Severability clause.** Each section, subsection, paragraph, sentence, and clause of the Municipal Code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the Municipal Code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 8. **Reproduction and amendment of code.** The Municipal Code shall be reproduced in loose-leaf form. The City Council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the Municipal Code and revisions thereto. After adoption of the Municipal Code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the Municipal Code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the Municipal Code will contain references to all ordinances responsible for current provisions. One copy of the Municipal Code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 9. **Construction of conflicting provisions.** Where any provision of the Municipal Code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 10. **Code available for public use.** A copy of the Municipal Code shall be kept available in the office of the commissioner of finance and revenue for public use and inspection at all reasonable times.
Section 11. Date of effect. This ordinance shall take effect thirty (30) days from and after its final passage, the public welfare requiring it, and the Municipal Code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading February 16, 1993.

Passed 2nd reading March 2, 1993.

APPROVED AS TO FORM:

City Attorney

Mayor

Commissioner of Finance and Revenue
ORDINANCE
OF THE CITY COUNCIL
OF THE CITY OF LEBANON, TENNESSEE

NO. 01-2240

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND
REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE CITY OF
LEBANON, TENNESSEE

WHEREAS, the ordinances which affect the municipal code must be officially
codified and incorporated into the Lebanon Municipal Code; and

WHEREAS, with the assistance of the Municipal Technical Advisory Service
revisions have been prepared for additions, changes and corrections to the Lebanon
Municipal Code through Ordinance No. 00-2179 (December 2000); and

WHEREAS, the City Council for Lebanon, Tennessee does hereby implement
codification for ordinances as stated herein.

NOW THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee
as follows:

Section 1. Ordinances codified. The supplemental and replacement pages
contained in the City of Lebanon Municipal Code, hereinafter referred to as the
"supplement," are incorporated by reference as if fully set out herein and are ordained
and adopted as part of the updated City of Lebanon Municipal Code.

Section 2. Continuation of existing provisions. Insofar as the provisions of the
supplement are the same as those of ordinances existing and in force on its effective date,
the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the
supplement, including any codes and ordinances adopted by reference, any act is
prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or
wherever the doing of any act is required or the failure to do any act is declared to be
unlawful, the violation of any such provision shall be punishable by a penalty of not more
than five hundred dollars ($500.00), as provided in TCA 6-54-308, and costs for each
separate violation; provided, however, that the imposition of a penalty under the
provisions of this section shall not prevent the revocation of any permit or license or the
taking of other punitive or remedial action where called for or permitted under the
provisions of the supplement or the municipal code or other applicable law.

Each day any violation of the supplement continues shall constitute a separate
offense.
Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which established the higher standard for the promotion and protection of the public health, safety and welfare shall prevail.

Furthermore, if any provision stated in this codification is contrary to the original ordinance originally passed, the terms of the original ordinance shall prevail for purposes of promoting the public health, safety and welfare.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the office of the Commissioner of Finance and Revenue for public use and inspection during regular city business hours.

Section 7. Effect of Post-Codification Ordinances. In the event any ordinances have been approved by the Lebanon City Council after Ordinance No. 00-2179, and in the further event there is a conflict between the provisions stated in those later ordinances and the supplemental and replacement provisions adopted herein, the provisions of the later ordinances shall prevail.

Section 8. Restatement. The City Council, under the terms and conditions stated herein does hereby adopt and ratify the Lebanon Municipal Code as supplemented herein.

Section 9. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Section 10. Distribution. Upon passage of this ordinance adopting for codification the Lebanon Municipal Code replacement pages attached hereto, the Commissioner of Finance and Revenue shall distribute replacement pages and directions to all members of the City Council and others who have existing code volumes.

Section 11. Historical record. For purposes of establishing an historical record, the Commissioner of Finance and Revenue shall maintain a complete copy of the Lebanon Municipal Code prior to the additions of the supplemental pages attached hereto.
Section 12. This ordinance shall take effect immediately upon its passage, the public welfare requiring same.

Attest:

[Signature]
Commissioner of Finance

[Signature]
Mayor

Approved as to form:

[Signature]
Peggy J. Williams
City Attorney

Passed first reading: 7/03/01

Passed second reading: 7/17/01
ORDINANCE NO. 04-2668

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO ADOPT AND
ENACT SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE
MUNICIPAL CODE OF THE CITY OF LEBANON, TENNESSEE

WHEREAS, the ordinances which affect the municipal code must be officially
codified and incorporated into the Lebanon Municipal Code; and

WHEREAS, with the assistance of the Municipal Technical Advisory Service,
revisions have been prepared for additions, changes and corrections to the Lebanon
Municipal Code through Ordinance No. 01-2307 (December 2001); and

WHEREAS, the City Council of Lebanon, Tennessee, does hereby implement
codification for ordinances as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon,
Tennessee, as follows:

Section 1. Ordinances codified. The supplemental and replacement pages
contained in the City of Lebanon Municipal Code, hereinafter referred to as the
“supplement,” are incorporated by reference as if fully set out herein and are ordained
and adopted as part of the updated City of Lebanon Municipal Code.

Section 2. Continuation of existing provisions. Insofar as the provisions of
the supplement are the same as those of ordinances existing and in force on its effective
date, the provisions shall be considered to be continuations thereof and not as new
enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the
supplement, including any codes and ordinances adopted by reference, any act is
prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or
wherever the doing of any act is required or the failure to do any act is declared to be
unlawful, the violation of any such provision shall be punishable by a penalty of not
more than five hundred dollars ($500.00), as provided in TCA § 06-54-308, and costs
for each separate violation; provided, however, that the imposition of a penalty under
the provisions of this section shall not prevent the revocation of any permit or license or
the taking of other punitive or remedial action where called for or permitted under the
provisions of the supplement or the municipal code or other applicable law.

Each day any violation of the supplement continues shall constitute a separate
offense.
Section 4. **Severability clause.** Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. **Construction of conflicting provisions.** Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which established the higher standard for the promotion and protection of the public health, safety and welfare shall prevail.

Furthermore, if any provision stated in this codification is contrary to the original ordinance originally passed, the terms of the original ordinance shall prevail for purposes of promoting the public health, safety and welfare.

Section 6. **Code available for public use.** One copy of the supplement shall be kept available in the office of the Commissioner of Finance and Revenue for public use and inspection during regular city business hours.

Section 7. **Effect of Post-Codification Ordinances.** In the event any ordinances have been approved by the Lebanon City Council after Ordinance No. 01-2307, and in the further event there is a conflict between the provisions stated in those later ordinances and the supplemental and replacement provisions adopted herein, the provisions of the later ordinances shall prevail.

Section 8. **Restatement.** The City Council, under the terms and conditions stated herein does hereby adopt and ratify the Lebanon Municipal Code as supplemented herein.

Section 9. **Date of effect.** This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Section 10. **Distribution.** Upon passage of this ordinance adopting for codification the Lebanon Municipal Code replacement pages attached hereto, the Commissioner of Finance and Revenue shall distribute replacement pages and directions to all members of the City Council and others who have existing code volumes.

Section 11. **Historical record.** For purposes of establishing an historical record, the Commissioner of Finance and Revenue shall maintain a complete copy of the Lebanon Municipal Code prior to the additions of the supplemental pages attached hereto.
Ordinance No. 04-2668
Page 3

Section 12. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:                        Approved:

\[\text{unsigned} \]

Commissioner of Finance & Revenue

Mayor

Approved as to form:

\[\text{unsigned} \]

City Attorney

Passed first reading: 10/05/04
Passed second reading: 10/19/04